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ABSTRACT

State legislation on libraries in Ohio is presented in this report. An introductory chapter covers some of the major characteristics and provisions of these laws, in historical perspective and in the current state of public library organization, tax support, and financing. Federal library laws are reviewed, as is the role of the state library, and legislation concerning university and law libraries. Texts of Ohio's library laws are given, with references to other library-related legislation, attorney general's opinions, and court decisions pertaining to libraries. The state library board rules are provided. (SL)

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Library Laws OF OHIO

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AN INTRODUCTION TO THE OHIO LAWS AFFECTING LIBRARIES

Joseph F. Shubert, State Librarian

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1.01 PURPOSE AND SCOPE

This introduction reviews some of the major characteristics and provisions of State laws affecting Ohio libraries. It is primarily an introduction for readers new to Ohio or those with a new concern for public library services. It is not intended as a comprehensive analysis of the laws.

As an introduction it includes a brief history of Ohio public libraries and the laws relating to them. Throughout, references will be made to sections of the law or to other printed sources. Footnotes refer to entries in the bibliography which identify these sources.

The basic compilations of Ohio laws are **Page's Revised Ohio Code, Annotated**[1] and **Baldwin's Ohio Revised Code, Annotated.**[2] These are particularly useful for three reasons: They contain all Ohio laws in force, including all general provisions of the Code which may affect libraries; they are excellently indexed; and they include at the end of each section brief notes summarizing Supreme Court decisions and Attorney General decisions that have modified or interpreted the laws.

The articles on libraries and taxation in **Ohio Jurisprudence**[3] provide a helpful overview of the laws. Two widely used publications dealing with school and library laws which include the laws themselves and commentary or text material are **Drury's Ohio School Guide**[4] and **Ohio School Law**[5] by Edwards and Spayde. Although the Drury and Edwards books are primarily devoted to school law, they may be useful to library people, particularly those who work with school personnel, examiners, and others who use these texts in the course of their work.

2.01 HISTORY OF OHIO PUBLIC LIBRARIES AND THE DEVELOPMENT OF STATE LAWS FOR LIBRARIES

An understanding of the history of Ohio's public libraries is helpful to understand the laws which govern those libraries today. Brief histories of Ohio public libraries are found in Chapter I (pp. 15-23) of **Survey of Ohio Libraries and State Library Services** by Ralph Blasingame;[6] and in the Ohio Library Association—Ohio Library Trustees Association **Handbook.**[7]

The first libraries in Ohio were those organized cooperatively and available to shareholders, subscribers, or members. These libraries were sometimes known as "social" libraries, "subscription" libraries, or "association" libraries. Individuals pooled their money in a common fund for the purchase of books of interest to them. The General Assembly passed several separate acts of incorporation for libraries before 1817, and in that year it passed a general law providing for the incorporation of libraries. It was in 1817 also that the General Assembly approved the establishment of the State Library by Governor Worthington.

By 1850, the year which American library historians have taken as the point at which the American free library movement got underway, some 187 "social" libraries had been established in Ohio.

The School Act of 1853 laid a base for tax support of school district public libraries in Ohio, and in 1869 the General Assembly enacted legislation authorizing municipalities to open and maintain free libraries and reading rooms. An 1898 act authorized county-wide library service, a result of a $50,000 gift to Van Wert County for establishment of the Brumback Library. In his "Commentary on the Library Laws of Ohio and Their Application" (1960) (then) State Librarian Walter Brahm wrote:

"When the idea of free public library service, supported by taxes, came into being, the Ohio legislature over a period of years made it possible for **public libraries** to be established under any one of the four local taxing authorities which exist in the state. That is, a municipality, township, school district, or county could establish a public library to provide free public library service to the residents of that sub-

division and support it by taxes collected on the duplicate of the subdivision. Consequently, some of the association libraries then in existence, in return for tax money, became the public library of their communities although retaining their private form of management . . . In other communities, new libraries were established. The pattern most generally followed was for the municipality to create a public library and operate it as a part of the city government although there were notable exceptions. Great encouragement was given to the establishment of libraries in the year when Andrew Carnegie provided funds for library buildings.

"Until 1921, most public libraries in Ohio were either the association or municipal type with a few organized as school district, township, county and county district. Prior to that time, the legislature passed a 15-mill limitation on real property taxes and subdivisions which had been levying up to a mill and a half tax for libraries suddenly found themselves unable to to do so. However the right of school districts to levy outside this limitation was re-established in 1921. Since school districts thus were exempt from this limitation any library which might be organized as a part of a school district could levy a tax of one and a half mills. This caused many of the association and municipal libraries to change their form of organization whereby they re-organized under the school district. However, in 1929, effective in 1931, the people of Ohio voted a constitutional limitation of 15 mills—reduced to 10 mills in 1934—on all real property, making this apply also to school districts. When this happened school district libraries and all other public libraries which had been supported by real property taxes were entirely without support. Theoretically they were—and still are—entitled to support from property tax if they could get it, but in actual practice it amounted to cutting off the libraries' source of income because other subdivisions would have had to share the funds they received within the 15 mills . . ."

The desperate situation which resulted for libraries when they were thus cut off from property tax support made it necessary to find other means of library support. This was accomplished through legislation sponsored in the 1931 General Assembly by the late Robert A. Taft, then State Senator from Hamilton County and in the 1933 session by Senator Frank E. Whittemore of Summit County. This legislation provided that any library board which would make the services of its library available to all residents of the county could receive funds from the intangibles tax through application to the county budget commission.

It then became possible for a community to establish a free public library without direct cost to itself because the intangibles tax was a county tax. Village councils and boards of education in small communities began establishing libraries and applying to the county for funds. The number of public libraries climbed from 197 in 1934 to 280 in 1947. In that year the General Assembly took action, provided that after September 1, 1947 new public libraries would be established on a county-wide basis. The libraries already established by cities, townships, school districts, and associations were permitted to continue, but no taxing authority other than the county could establish new ones. In 1967 the Code was amended (Sec.3375.121) to provide for the establishment of a municipal library under certain circumstances.

3.01 CHARACTERISTICS OF THE LIBRARY LAWS

For the purposes of this paper we can identify three bodies of law affecting Ohio public libraries. There are (1) the **library laws** contained in Chapter 3375 of the Ohio Revised Code. There are also (2) the **general laws** dealing with aspects of State and local government financing, etc. which affect libraries. The third body of law is not in the statutes themselves, but in (3) the **interpretation** of the law as developed in the decisions of the Supreme Court or in the Opinions of the Attorney General, or in the interpretations, decisions, or **regulations** of such regulatory or decision making agencies as the Bureau of Supervision of Public Offices in the office of the Auditor of State or the State Board of Tax Appeals.

3.02 **Library Laws.** Chapter 3375. which contains the special laws on libraries, is part of Title 33 (Education-Libraries) of the Ohio Revised Code. It includes laws on the State Library Board, each of the types of public libraries, board of library trustees, contracts and bond issues, bureaus of municipal research,

the State Board of Library Examiners, law libraries, the Ohioana Library Association, Area Library Service Organizations, and the essential library services support program.

Although each of the types of public libraries has a separate section or sections in Chapter 3375, certain other sections of the chapter relate specifically to all libraries. For instance, Sections 3375.32-3375.042 and Section 3375.63 on library boards of trustees affect all public libraries.

3.021 Public library trustees. Library trustees for the several types of libraries are appointed as summarized in T4.01. A majority of the trustees of county district (Sec. 3375.22) and school district public libraries (Sec. 3375.15) must be qualified electors in the district, but a minority may be qualified electors of the county who live outside the district.

The powers and duties of library boards are set forth in Section 3375.40. In addition to the several powers enumerated in subsections (A) through (L), subsection (B) provides that the board may "generally do all things it deems necessary for the establishment, maintenance, and improvement of the public library under its jurisdiction."

Other sections of Chapter 3375 that directly affect several types of libraries are those on procedures for bidding and letting of contracts over $5,000 (Sec. 3375.41); contracts for library service (Sec. 3375.42); and bond issues (Sections 3375.43-3375.45).

The law on the Board of Library Examiners (Sec. 3375.47) establishes the requirement that the librarian in charge of a county library district be certified.

Section 3375.35 requires that library boards report annually to the State Library and to the officer or board which appoints them. Section 3375.32 established requirements for the annual organization meeting of the board, election of officers and appointment of the clerk.

Meetings of boards of library trustees are public and open meetings (Sec. 121.22). Boards of library trustees should hold meetings in the library or other public place, and all board deliberations and actions taken must be conducted "openly" except as provided by law. A board may receive information on personnel matters or other matters protected by law, but any action on such matters must be taken at a public and open meeting.

In one respect Ohio libraries are administered differently from public libraries in many other states. Sections 3375.32 and 3375.36 provide for a clerk of the board of library trustees. In many Ohio libraries the board of trustees has two persons directly responsible to it: the librarian and the clerk (or clerk-treasurer). In others the same individual is appointed both librarian and clerk.

3.03 General laws. Many of the general laws affecting libraries are found in Titles 1, 3, 5, and 7 (State and Local Government), Title 35 (Elections), and Title 57 (Taxation). Excerpts from many of these laws appear on pages 23-41 and 64-75; others are listed on pages 76-78.

3.04 Interpretation and regulations. Court decisions, particularly those of the Supreme Court, have established important interpretations of State laws and their effect upon libraries. Court decisions are rendered as a result of a dispute over the law.

Where the law appears unclear or where there is a difference in its interpretation but no court case has developed from that difference, the Attorney General may be asked for an official Opinion. This Opinion serves as legal guidance until it is set aside by a court decision or by a change in the statutes. Opinions of the Attorney General are particularly important in Chapter 3375.

3.041 Auditor of State. Compilations of the law usually include annotations which cite or summarize important decisions and opinions relating to specific sections of the law.

The Ohio Constitution (Art. XVIII, Sec. 13) provides for the office of Auditor of State and Section 117.01 of the Revised Code creates the Bureau of Inspection and Supervision of Public Offices in his office. The Bureau prescribes a uniform system of accounting for libraries and makes regular examinations of the financial records, minutes, and reports of all libraries receiving tax support (Sec. 117.09). Such examinations are required at least once every two years, and in his report of the examination the Bureau's examiner comments upon improper expenditures of public funds, departures from legal procedures, or failure or neglect to keep proper records. In the course of this work the Bureau has established interpretations and definitions which are the basis for legal action. These are compiled and issued in a Syllabi of Decisions. On Schools and Libraries,[8] and are

reported on a current basis in the **Auditor's Messenger: School and State Departments Edition.**[9]

3.042 **Board of Tax Appeals.** The State Board of Tax Appeals hears cases brought before it as a result of disputes between local subdivisions and the county budget commission on matters of tax allocation. Library boards have been parties to such cases, and the decisions of the State Board of Tax Appeals therefore have established precedents of importance to libraries.

4.01 LEGAL ORGANIZATION OF PUBLIC LIBRARIES TODAY

Six types of public libraries are organized under Ohio law. These are association, county district, county, municipal, school district, and township libraries. The law provides for a seventh type, the regional district library (Sec. 3375.28), but no libraries are now organized under that law.

Since 1947 the only types of library that can be created under Ohio law are the county district library and the regional district library. However, in certain circumstances, municipalities with populations of 25,000 or more may also organize libraries (Sec. 3375.121).

The board of an **association** library is appointed or elected in accordance with its State charter or the rules of the individual library association (Sec. 1713.28). There are 17 association libraries in Ohio receiving intangible tax support.

The **county** library board has six members, appointed by the judge of the court of common pleas (Sec. 3375.06). There are three county libraries in Ohio.

The **county district** library board has a membership of seven: three appointed by the common pleas judge, or judges, and four by the county commissioners (Sec. 3375.22). There are 43 county district libraries in Ohio.

The **municipal** library has a board of six members, appointed by the mayor (Sections 3375.12 and 3375.121). There are 21 municipal libraries in Ohio.

The **school district** public library has a board of seven members appointed by the local board of education (Sec. 3375.15). There are 162 school district public libraries in Ohio.

The **township** library is governed by a board of three members appointed by the township trustees (Sec. 3375.10). There are four township libraries in Ohio.

4.02 **County extension center libraries.** In addition to the county and county district libraries, certain libraries in Ohio have been designated by the State Library Board as "county extension center libraries" (Sec. 3375.05). These are libraries which meet certain standards established by the State Library Board and which have formally resolved to provide for extension of their services to residents who live in their county but outside their regular service area.

4.03 **Implications of legal organization.** Before 1931 when libraries were supported by real estate tax levies or by gifts and the income from endowments, libraries were established by and organized as parts of, political subdivisions (city, school district, township, county) and they received their support directly from these subdivisions. Now all types of libraries receive their primary support from the county intangibles tax fund, and the major distinctions between the several types of libraries lie in the size and method of appointment of the library board, legal service area, and the taxing authority.

The number of trustees and the authority which appoints them for each type of library is established by statute as outlined above.

Section 5705.28 requires that a library receiving support from the county intangibles tax must "extend the benefits of the library service . . . to all the inhabitants of the county on equal terms . . . . " However, the boundaries of a library district are still important because the law sets conditions on the establishment of branches and extension services, and the area within those boundaries must be clearly defined before a levy or bond issue is considered.

4.031 **Library districts.** The "subdivision or district" over which a library board "has jurisdiction of public library service" (Sec. 3375.40) was established at the time the library's present form of legal organization was established. That of the county library is the county; that of the county district library is that described in the resolution by which the district was created; that of the municipal library is the municipality; that of the school district public library is the school district; and that of the township library is the township.

4.032 District changes. The district boundaries may be changed if the library converts to a county district library organization through merger with a county district library, as a result of school district consolidation, or by action of the State Library Board.

Under certain conditions libraries may convert to county district library status (Sec. 3375.01(E) and 3375.20). The State Library has prepared a summary of the steps involved in becoming a county library district under the several sections of the law under which this is possible. This summary is available upon request to the State Librarian.

The law also provides for the merger (Sec. 3375.21 and 3375.211) and the consdolidation of libraries (Sec. 3375.212) with the county district library.

Consolidation or reorganization of school districts directly affects the public libraries within those districts.[10]

Opinion (65-119) of the Attorney General (1965) holds that when two or more school districts with school district public libraries are consolidated, the library districts are also consolidated, and the board of education in the successor school district shall appoint a board of trustees for the new school district library system. Accordingly, a school district public library's district is enlarged if its "parent" school district consolidates with another school district which does not have a public library or which is not within the service area of a county district library. An Opinion (51-931) of the Attorney General (1951) holds that the area of the county library district is not reduced as a result of school district consolidations. Another Opinion (64-1300) of the Attorney General (1964) deals with adjustment of the boundaries of a library district when municipal annexations change school district lines. Sec. 3375.01(F) provides that the State Library Board "define and adjust the boundaries of the new public library district" resulting from consolidation of school districts.

Library boards have the authority to establish and maintain branches, reading rooms and bookmobile service within their district (Sec. 3375.40). Upon the approval of the State Library Board (Sec 3375.05) a library may establish branches, reading rooms and bookmobile service outside its district. Libraries receiving such approval are designated as "county extension center" libraries.

Uncertainty about the boundaries of the library district has at times been a major problem to a library board contemplating a levy or bond issue. The boundaries of the library district must be clearly defined before a levy or bond issue can be placed upon the ballot. Section 3375.01(G) authorizes the State Library Board to amend, define, and adjust the boundaries of library districts upon application of the board of library trustees concerned.

4.033 Taxing authorities. Library boards in Ohio do not have the power to levy taxes or issue bonds, and they rely upon a "taxing authority" to act for them in certain fiscal matters. The taxing authority transmits the library board's annual budget request to the county budget commission but does not have the authority to modify the budget (Sec. 5705.-28). Requests for a levy or bond issue must also be handled through the taxing authority. The taxing authority for the county or county district library is the county commissioners; for the municipal library, the city council; the school district, the board of education; the township, the township trustees.

5.01 PUBLIC LIBRARY FINANCE

The major source of support for Ohio public libraries is derived from a tax levied on intangible personal property. This is the sole source of support for most public libraries and the following section deals in detail with this. Public library boards of trustees may obtain other tax funds, as well as private funds, to supplement intangibles tax allocations. These include:

5.02 Voted levies. Upon approval of the voters, a tax may be levied upon the real property in the library district, and in certain instances a levy may be authorized by the taxing authority within the ten-mill limitation without a vote of the people (Sec. 5705.06). Section 3375.09 authorizes township trustees to levy a tax of up to one-mill for maintenance of a township library. Section 3375.07 authorizes the board of county commissioners in any county in which there has been created a county library to levy a tax of up to one mill for library maintenance. Section 3375.23 provides that a board of county commissioners may levy a tax of up to one mill for operation of a county district li-

brary, and provides that such a tax be "in addition to all other levies authorized by law," which in effect requires that the levy be submitted to the voters. Section 3375.17 authorizes the board of education to levy a tax of up to one and one-half mills (in addition to other levies, and therefore requiring a vote of the people) for operation of the school district public library. There is also provision in the law for a levy for a regional library district. (Sec. 3375.31). Tax levies for maintaining library services provided by association or municipal libraries are authorized by Sections 3375.42 and 5705.19.

5.021 Taxing authority and limitations. As indicated above, (T4.033) a board of library trustees must rely upon a "taxing authority" to levy a tax. The power of taxing authorities is limited by Article XII, Section 2, of the Ohio Constitution, which provides that property shall not be taxed in excess of 1 percent (or 10 mills) "of its true value in money." This section and laws permit certain taxes outside the 10-mill limitation, if authorized by a vote of the people (Sec. 5705.01, 5705.19).

5.022 Procedures for a levy. The procedures for submitting a proposed tax levy to the voters are as follows.

The board of library trustees passes a resolution requesting the submission of a special levy for the use of the library board to the electors of the subdivision (Sec. 5705.23). This proposed levy may be for the operation of the public library (Sec. 5705.19D) or for acquiring or constructing permanent improvements. For the levy to be submitted to the electors in a general election (held on the first Tuesday after the first Monday in November), the taxing authority of this subdivision must vote by September 15 by two-thirds of all its members to declare by resolution that this levy in excess of the 10-mill limitation is required. This resolution of the taxing authority must be confined to a single purpose, and must specify the amount of increase in rate which is necessary to levy, the purpose, and the number of years during which such increase would be in effect (Sec. 5705.19). The resolution may or may not include a levy upon the tax duplicate (certification of real estate assessments to the taxing authorities) of the current year—a levy may be placed upon the current year's duplicate only when passed in a general election (Sec. 5705.191). The number of years for a library levy may not exceed five, except that when the additional rate is for payment of debt charges the increased rate shall be for the life of the indebtedness (Sec. 5705.19).

A resolution may also be submitted by the board of library trustees requesting submission of a levy to the electors in a special election (Sec. 5705.23). Again, the resolution of the taxing authority must be passed by two-thirds of its total membership. This resolution must specify, along with the other information listed above, the date of the election, which may not be earlier than 90 days after the adoption and certification of the resolution nor later than 120 days thereafter (Sec. 5705.191).

The board of elections arranges for the vote on the levy. Notice of the election is published in a newspaper of general circulation in the subdivision once a week for four consecutive weeks prior to the election, stating the purpose, the proposed increase rate, expressed in dollars and cents for each $100 of valuation as well as in mills for each dollar of valuation, the number of years during which such increase will be in effect, and the time and place of the election (Sec. 5705.19, 5705.25). The form of the ballot itself is specified in the Ohio Revised Code, Section 5705.25.

In a general or a primary election, the levy must be passed by a majority vote. (Primary elections are held in even-numbered years on the first Tuesday after the first Monday in June.) A 55 percent vote in favor of the levy is necessary for passage at a special election held on another day (Sec. 5705.191).

After the approval of such a levy by vote, and prior to the time when the first tax collection from such levy can be made, the taxing authority of the subdivision may anticipate a fraction of the proceeds of such levy and issue anticipation notes in an amount not more than 50 per cent of the total estimated proceeds of the levy throughout its life (Sec. 5705.191).

A levy's passage is certified to the Board of Tax Appeals (Sec. 5705.25). In the first year of the levy, it is placed on the tax lists after the February settlement immediately following the election. If it is specified in the resolution providing for its submission that the additional tax is to be placed upon the tax list of the current year, the result of the election must

be certified immediately after the election by the board of elections to the taxing authority. The taxing authority must make the necessary levy at once and certify it to the county auditor, who shall place it on the tax list for collection.

5.03 Contracts. Section 3375.42 authorizes the board of county commissioners of any county, the board of education of any school district, the legislative authority of any municipal corporation, or the board of township trustees of any township to contract with the board of library trustees, and further authorizes such taxing authorities to levy a tax or to appropriate from the general fund for such library services contracts. Such contracts are usually for specific purposes or for services which could not be made available if the board of library trustees were to rely only on intangibles tax funds (see subsection T5.04 on revenue sharing).

5.04 Revenue sharing. The State and Local Fiscal Assistance Act of 1972 (P.L. 92-512), popularly known as the "revenue sharing" act, defines eight priority areas in which local governments may use Federal revenue sharing funds. These include "ordinary and necessary" maintenance and operating costs for libraries. Capital expenditures are also authorized.[11] The procedure which must be followed in allocating revenue sharing funds to public libraries is outlined in an Opinion of the Attorney General (73-058) and is authorized by Section 3375.42. Another Opinion of the Attorney General (74-051) appears to militate against contracts between local governments and boards of library trustees because such contracts are seen to be "without consideration" when the library is already committed to providing library services to the inhabitants of the subdivision. In essence, this says that the library board cannot twice receive tax support for the very same services. In order for the requisite of "consideration" to be met, the board of library trustees must provide services above and beyond those which were to be provided with only intangibles tax support. A carefully drawn contract which meets the requirement of the law is therefore particularly important.

5.05 ALSO and other state aid. Since 1935 the General Assembly has appropriated limited funds to the State Library Board to be used in grants to extend and improve public library service. A new state aid program was authorized by the General Assembly in 1969 (Sec. 3375.70-82). A portion of the appropriation is used for Area Library Service Organization (ALSO) support. Once a plan of service has been developed and approved by the State Library Board, an ALSO Board (Sec. 3375.70-71) can receive State funds to guarantee essential library services.

The State Library Board administers other state and federal funds for improvement of services and makes grants to other libraries for such purposes (Sec. 3375.01(B), (C) and 3375.80-82).

6.01 THE INTANGIBLE PERSONAL PROPERTY TAX

The basic support of Ohio public libraries is designated in law as the "classified property tax," and is more commonly referred to as the intangibles tax. This is a county tax levied on intangible personal property such as investments (e.g., stocks) and deposits in financial institutions.

Ohio statutes define four categories of intangible personal property and apply a uniform statewide rate to each.

> "Unproductive investments; deposits, and shares in financial institutions, and capital as well as ownership interest in capital employed by financial institutions; capital and surplus, or 8⅓ times the gross premiums, of insurance companies: 2 mills on the dollar;
>
> "Money, credits, and all other intangibles not separately classified: 3 mills on the dollar;
>
> "Shares in capital employed by dealers in intangibles: 5 mills on the dollar;
>
> "Productive investments: 5 percent of income yield." [12]

Intangible personal property is taxed in two different ways.

6.02 The state situs intangibles tax (Sec. 5707.03) is collected by the State principally from financial institutions and is returned to the county of origin as part of the "local government fund," a State subsidy to local governments. The proceeds of this tax therefore are exclusively for the use of local governments and libraries do not receive funds from this source. State situs property includes intangibles owned by public utilities, intercounty corpora-

tions, financial institutions, and dealers in intangibles.

6.03 The local situs intangibles tax, imposed on stocks and investments (Sec. 5707.04) is collected by the county and is the tax from which libraries secure their support. It is paid largely by the individual taxpayer. Local situs intangibles includes property of corporations operating in only one county, unincorporated businesses, and individuals.

6.04 Allocation of the local situs intangibles tax funds is made by the county budget commission, composed of the county auditor, the county treasurer, and the prosecuting attorney (Sec. 5705.27).

The county budget commission estimates the tax collection for the coming year and allocates funds to the libraries on the basis of their needs as presented in their budgets. Funds not allocated to the libraries are returned to the general operating funds of the political subdivisions from which they were collected in direct proportion to their collection.

6.05 Need as a determinant. Sec. 5705.32 is the statutory basis for apportionment of the proceeds from local situs intangibles tax. Before 1951, it provided that the proceeds of this tax should be distributed "according to the relative needs of the libraries and other units entitled to share in the distribution of such taxes." In 1951, the General Assembly amended this section to read that proceeds should be distributed to libraries "based on the needs of such libraries."

Ohio Supreme Court decisions and Attorney General Opinions on allocation of the local situs intangibles tax proceeds have interpreted statutory provisions as granting libraries priority on the fund.*

The Ohio Supreme Court has interpreted the 1951 amendment of Section 5705.32 as granting libraries priority on the fund up to their "needs." In Montgomery County Library Trustees v. Montgomery County Budget Commission, 160 O.S. 263 (1953), the Supreme Court pointed out the changed wording of Section 5705.32, and the Court held that, although prior to 1951 budget commissions were required to distribute the intangibles tax fund according to the relative needs of libraries and other units eligible for participation in the fund, under the 1951 change the fund distribution should be ". . . based on the **needs** of such libraries." In this case, the Court stated that the Board of Tax Appeals had not apportioned the funds according to the 1951 statute, and returned the case to the Board of Tax Appeals. The Court also held that libraries cannot make claims on the funds to support justifiable expenses that do not constitute needs.

In a 1955 Opinion (55-5954), the Attorney General reached the following conclusions in response to a request from the prosecuting attorney of Ottawa County for an opinion on budget commission apportionment of intangibles: (1) budget commissions have authority to determine that amounts requested by library boards represent library "needs"; (2) the commissions have authority to fix the amount of the tax to be distributed to libraries, and do not have to distribute the full amount requested; (3) requests from all libraries in a county must be considered as a group; and (4) libraries cannot demand intangibles tax proceeds in excess to their "needs," but do have priority in distribution of the proceeds.

In 1958 the Supreme Court again reviewed "need" in Board of Trustees of Ross County District Library v. Ross County Budget Commission, 168 O.S. 198 (1958). In sending this case back to the Board of Tax Appeals, the Court admonished the Board to inquire into the "business-like fairness" of contracts for furnishing library service to boards of education, and stated that a library does not have a "need" to make up a deficiency which a school board could pay. It also informed the Board that it could not allow a greater amount for salaries than that requested by the library board, and that terming this a "justifiable expense" did not make it a "need."

A 1970 Supreme Court decision in Cleveland Public Library v. Cuyahoga County Budget Commission (23 O.S. 2d 27) reviewed comparative need among library districts when the combined budgets of libraries within the county exceed the anticipated collection of intangibles tax. The Court pointed out that the allocation of funds in such an instance involved "a factual determination and the exercise of sound judgment," reviewed the several points of view on "need," "claimed need," and "actual need" (including the question of capital expenditures),

* The report listed as item 13 in the bibliography, section T14.01, includes an excellent discussion of these interpretations. The text of this paper includes several paragraphs from that report.

reversed the Board of Tax Appeals decision, and remanded the matter to that Board.

In April 1970 the State Library Board adopted a statement on **Factors in Allocation of Intangibles Tax Funds,**[14] identifying 10 factors or questions which might be considered when the anticipated intangibles tax collection is not adequate to meet the combined budget requests of libraries.

Section 5705.32 also provides for distribution of intangibles tax funds to boards of township park directors.

Section 5705.28 states the terms upon which libraries are eligible to participate in the proceeds of the intangibles tax.

7.01 LIBRARY BUDGET PROCEDURE AND TIMING

The following is a brief outline of the steps involved in presenting a library budget under Sections 5705.28-5705.37. Refer also to the chart outlining the "Presentation of Library Budget" (p. 12) and the "Budget Planning and Expenditure Calendar" (p. 14).

7.02—Presentation of a budget.

A. On or before May 31, the library board submits its budget (two copies) for the coming calendar year to the taxing authority (Sec. 5705.28). Some libraries also send a copy directly to the budget commission. Forms can usually be obtained from the county auditor's office.

B. The taxing authority is required to hold a public hearing on the budget of the subdivision, make public announcement of the hearing 10 days in advance and keep two copies of the budget on file for public inspection 10 days before the hearing (Sec. 5705.30). It is advisable also to post a copy of this notice in the library, and to have a copy of the budget available for inspection at the library.

C. On or before July 20 the taxing authority must adopt a budget for the subdivision and submit it to the county auditor. The Board of Tax Appeals may extend time (Sec. 5705.30). The taxing authority must include the full amount requested by the library board (Sec. 5705.28).

7.03 Allocation by the county budget commission.

D. The budget commission must meet and complete its work during the month of August unless the Board of Tax Appeals extends the time (Sec. 5705.27). As far as libraries are concerned, this work covers the following points:

The county auditor must submit to the county budget commission an estimate of the amount to be collected from intangibles for the next year (Sec. 5705.31).

The budget commission must permit a library board to appear before it to explain its needs before making the allocation (Sec. 5705.32).

The budget commission "shall be guided by the estimate of the auditor" above in making the budget allotments (Sec. 5705.32).

E. The budget commission must certify its action to the taxing authority or to other taxing unit (Sec. 5705.34).

7.04 Distribution of the collection.

F. The budget commission distributes the intangibles tax collection in two settlements: first settlement sometime around April-June, second settlement around October-December. The procedure for distribution of the intangibles tax as established in Section 5707.05, is:

First Settlement

1. One-fourth of 1 percent to State of Ohio.*
2. 50 percent of annual budget allowed, to libraries.**
3. Out of the remainder, 50 percent of the amount allowed (and originating therein), to municipalities (minus any amounts allowed to park districts within municipalities).
4. Out of the same remainder, 50 percent of the amount allowed (and originating therein), to the county (minus any amount allowed to park districts within county outside municipalities).
5. Residue at end of first settlement is held to be distributed as a part of second settlement.*** The residue or "surplus" is that amount collected above the amount that was estimated by the auditor before the start of the fiscal year.

Second Settlement

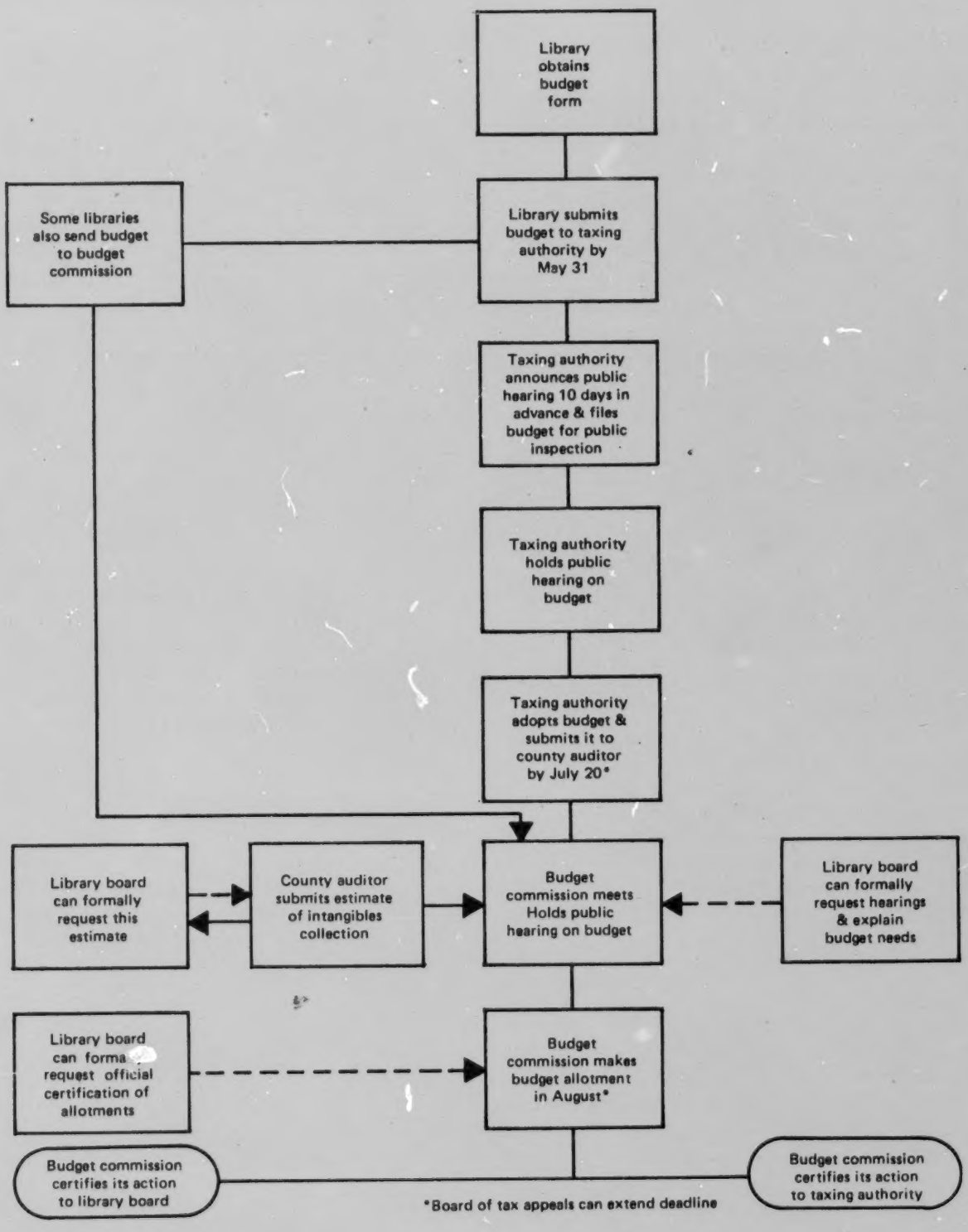
6. One-fourth of 1 percent to State of Ohio as in Step 1.

*The following deductions may also be made: auditor and treasurer fees (Sec. 319.54); county treasurer's operating charges for collecting delinquent intangibles taxes (Sec. 5719.31); and payments refunded to taxpayers because of overpayment or error.

**Workmen's compensation charges, etc. are deducted and shown on voucher (Sec. 4123.41).

***An Opinion of the Attorney General (40-1747) provides for earlier distribution under certain conditions.

PRESENTATION OF LIBRARY BUDGET


Library obtains budget form
Library submits budget to taxing authority by May 31
Some libraries also send budget to budget commission
Taxing authority announces public hearing 10 days in advance & files budget for public inspection
Taxing authority holds public hearing on budget
Taxing authority adopts budget & submits it to county auditor by July 20*
Library board can formally request this estimate
County auditor submits estimate of intangibles collection
Budget commission meets Holds public hearing on budget
Library board can formally request hearings & explain budget needs
Library board can formally request official certification of allotments
Budget commission makes budget allotment in August*
Budget commission certifies its action to library board
Budget commission certifies its action to taxing authority
*Board of tax appeals can extend deadline

7. 50 percent to libraries as in Step 2.
8. Out of the remainder, 50 percent to municipalities as in Step 3.
9. Out of the same remainder, 50 percent to counties as in Step 4.
10. Residue or "surplus" at this time is distributed in the same manner and proportion as the original allocation and settlement (see Opinion of the Attorney General (72-110)).

Budget commissions should adhere to all of these requirements. It is sometimes difficult to complete all budget matters in August, but every library board should have in its possession no later than December 31 an official certificate of the budget commission notifying it of the allocation for the ensuing year.

A library board may make formal request and insist on receiving:

(1) a hearing before the budget commission.

(2) an official certification of the estimate of the intangibles tax collection for the coming year.

(3) an official certification of the amounts allocated to the libraries and subdivisions from the intangibles collections for the coming year.

(4) at the second half settlement, an official certification of the actual tax collection (the actual tax collection when compared with the official estimate for that year determines whether there is a surplus).

Since the library board is entitled to such information by law, it should do everything in its power to establish this procedure inasmuch as it will prevent misunderstanding between the library board and budget commission.

Failure on the part of the library board or the budget commission to follow this procedure may go unnoticed, but in the event a dissatisfied participant in the tax collection, or a taxpayer, or the library board itself should bring the matter to court or to the State Board of Tax Appeals, any irregularity in procedure could affect the final decision.

7.05 **Appeals.** The procedure for appeals to the State Board of Tax Appeals is set forth in Section 5705.37. Once the library board has made its decision to appeal, the board passes a resolution authorizing the clerk of the library board to file an appeal. The clerk must take action within **thirty days after receiving the certification of the allocation or notice** of the county budget commission's action. Inasmuch as the county prosecutor (who is a member of the budget commission) is also the legal advisor to all tax-supported libraries (Sec. 309.09), an outside attorney is engaged to handle the appeal (Sec. 309.10). Such legal expense is borne by the library board. The Board of Tax Appeals costs are ultimately charged against the classified property tax fund (Sec. 5715.36).

8.01 FINANCING PUBLIC LIBRARY BUILDINGS

Many of Ohio's public libraries were built with Carnegie funds around the turn of the century. The age, size, and condition of these buildings and their inability to accommodate modern library services and meet current community needs, together wtih increases and shifts in population, have made it necessary to construct new library facilities. Because financing a library building is usually a major problem, a summary of the several ways in which funds may be secured is presented.

8.02 **Voted bond issue.** The traditional method for financing public buildings has been a bond issue submitted to the voters. A bond issue is a means by which voters authorize the library to borrow money to finance construction and agree to pay it off over a long term period (usually 10 to 20 years) by taxes collected from them. If the voters approve, the bonds are issued and sold, and the library can begin construction at once.

Section 3375.43 describes the steps to be taken by the library board. Since library boards do not have taxing authority, the request for a bond issue must be made by the library board to the taxing authority. Other provisions on bond issues are made for county libraries (Sec. 3375.24), municipal libraries (Sec. 3375.13), and school district libraries (Sec. 133.18).

Sections 133.09 and 133.13 describe the steps to be taken by the taxing authority. Bond issues for cities, townships, and counties must be submitted at a general, primary, or special election and they require a majority vote (Sec. 133.12 and 133.13). Boards of education may submit bond issues at general, primary or special elections (Sec. 133.18).

BUDGET PLANNING AND EXPENDITURE CALENDAR

	JAN - MAR	APR - JUN	JUL - SEP	OCT - DEC
BUDGET PLANNING AND SUBMISSION PROCESS	Board reviews objectives and program, establishes budget planning guidelines. Librarian and clerk treasurer review projected program, analyze previous year's costs, draft budget for board consideration.	Board adopts budget plans Library submits budget to taxing authority by May 31; some libraries also send copy to budget commission Taxing authority announces public hearing 10 days in advance and files budget for public inspection	Taxing authority holds public hearing on budget Taxing authority adopts budget and submits it to county auditor by July 20 County auditor submits estimate of intangibles collection Budget commission meets on the first Monday in August, and holds public hearing on budget in the month of August Budget commission makes budget allocation in August and certifies its action to the library board and taxing authority	If action was not completed in August, library must be notified of its allocation by December 31 If allocation does not meet need, library board can pass resolution to appeal to State Board of Tax Appeals Clerk of library board must file appeal within 30 days after receiving certification of allocation Board may adopt annual appropriation resolution for the next year based on its budget request and the budget commission's allocation
DISTRIBUTION		Budget commission distributes first settlement April — June 0.25% to State of Ohio 50. % of the allocation established for libraries for current year Of remainder, 50% of the amount allowed, to municipalities Of remainder, 50% of amount allowed, to county Residue distributed as part of second settlement		Budget commission distributes second settlement October — December 0.25% to State of Ohio 50. % of the allocation established for libraries for current year Of remainder, 50% of amount allowed, to municipalities Of remainder, 50% of amount allowed to county Residue distributed by budget commission Library board can formally request certification of actual tax collection
EXPENDITURE	If appropriation resolution for the year was not adopted in previous December, library board adopts annual appropriation resolution based on its budget request and the budget commission's allocation; resolution sent to county auditor by March 31. Library board may adopt temporary appropriation resolution for meeting ordinary expenses until not later than April 1 Clerk treasurer sends certification of the total amount from all sources available for expenditure and balances to county auditor as soon after December 31 as possible Clerk treasurer sends Workmen's Compensation Form No. A-5-4 to county auditor by January 15 Clerk treasurer sends reconciliation of income tax withheld and transmittal of wage and tax statements to director of Internal Revenue by January 31 Clerk treasurer sends reconciliation of city income tax withheld and transmittal of wage and tax statements to city by January 31 Clerk treasurer and librarian prepare and publish annual financial report Report submitted to The State Library of Ohio by January 31 Report submitted to Bureau of Inspection and Supervisor of Public Offices and to the board which appoints library trustees by February 28th; report is published in local newspaper, and is filed in the library.	Clerk treasurer sends financial report to the board of trustees monthly Clerk treasurer sends employer's quarterly federal income tax return to director of Internal Revenue Clerk treasurer sends quarterly return of city income tax to city involved Clerk treasurer sends quarterly return of state income tax to State Department of Taxation Clerk treasurer sends quarterly payment to PERS		By two-thirds vote, board can transfer unencumbered funds from general fund into a building and repair fund at end of fiscal year

8.03 Nonvoted bond issue. All subdivisions are permitted to issue bonds and incur a certain amount of bonded indebtedness without a vote of the people. The amount of this indebtedness is limited by law (see T8.04 below). It has been cited as possible for library boards to work out an agreement with the taxing authority that has authority to issue additional bonds. Under such an arrangement, for instance, the taxing authority could construct a library building and the library board could pay rent for this from its current funds. The library board could work out the arrangement with whatever taxing authority is appropriate and is not necessarily restricted to the taxing authority under which it is organized. In other words, a school district library could make such an arrangement with a city or township, or a county district library could make such an arrangement with a city or township.

8.04 Limitations on bonded indebtedness. There are specific limitations on the issuing of bonds and the amount of bonded indebtedness for the subdivisions, either with the vote of the people or without the vote of the people. This varies with the subdivisions. Cities, for instance, may issue bonds without the vote up to 1½% (charter cities 2½%) of the value of the total tax duplicate of the municipality; with the vote up to 7%. School districts may issue without the vote only 1/10% of total tax duplicate of the district; with the vote they may issue 4% of the total plus an additional 5%, or a total of 9%. The amount over the 4% must have the approval of the State Board of Education before it can be submitted for vote. Counties may issue bonds without the vote up to 1% of the first $100 million of tax duplicate plus ½% of such tax list in excess of $100 million. With the vote the county may issue up to 3% of the first $100 million plus 1½% of the tax list in excess of $100 million.

8.05 Voted levies. Any subdivision is permitted to submit a levy for building purposes. All money paid in must be held until there is enough to start the building, or whatever the life of the levy. Consequently the number of years the levy may run seldom exceeds two to five years and the rate of the levy must be high enough to produce the amount of money needed. Unless the tax duplicate is large, the rate of levy may be so high as to preclude a favorable vote. Once passed, a levy, unlike the bond issue, is a pay-before-you-build proposition. Since there is no debt limitation on a levy the taxing authority must submit the library's request to the voters. Sections 3375.17, 5705.19, 5705.23 and 5705.25 relate to levies. (see also T5.01 above).

8.06 Building fund. Library boards are permitted to establish a building fund. At the end of a fiscal year by two-thirds vote of the board any unencumbered funds remaining in the general fund may be transferred into a building and repair fund (Sec. 3375.40(K)). The budget request may also include a request for building funds from the county intangibles tax proceeds and such a request may be approved by the county budget commission. Section 5705.32, which authorizes allocation of intangible funds for building purposes, has been clarified by a 1969 Opinion of the Attorney General (69-017). The library board may also request the county budget commission to allocate the surplus intangibles tax (that amount collected in excess of the amount estimated and allocated) to the library for the building fund. Such surplus funds are usually distributed in December. Gifts and bequests often are placed in a building fund.

8.07 Leases. Under Section 3375.40(C) a library board may buy, rent, lease, or lease with an option to purchase, buildings or parts of buildings and other real property and pay for them in installments or otherwise.

A bank, insurance company, private contractor or investor, or a community-minded industry can build a structure to the library's plans and sell it to the library board on a long-time rental purchase plan to be paid for out of the library's current income. A 1972 Opinion of the Attorney General (72-051) clarified the procedures by which a library board may sell to the contractor real estate upon which the library is to be constructed.

Section 3375.18 permits boards of education to acquire land and purchase, erect, construct, enlarge, improve, equip, and furnish buildings for public library purposes, such facilities to be operated by the board of an existing public library. Such buildings may be leased or conveyed by the board of education to the library board. Section 3375.42 authorizes the legislative authority of a municipal corporation, as well as boards of education, county commissioners, or township trustees to contract with

a public library board to provide library services. A 1966 Supreme Court decision (Buescher v. Linton, 6 O.S. 2d 218) recognizes the municipality's authority to issue bonds and construct a public library and lease it to a county library for operation. These provisions make it possible for a county district library or a county extension center library to establish a policy under which communities are responsible for providing library quarters while the library is responsible for the books, staff, and services.

8.08 **LSCA construction funds.** Title II of the Federal Library Services and Construction Act makes it possible for the State Library to give assistance in public library building construction in areas without a library or with inadequate service from present facilities. The funds are available on a matching basis—the local library board supplying 55 percent of the total cost and Title II funds the remaining 45 percent of the total cost, up to maximums established by the State Library Board. The State Library Board has developed criteria and procedures for approval of projects for the construction of public library facilities.

8.09 **Revenue-sharing.** The State and Local Fiscal Assistance Act of 1972 (P.L. 95-512) permits revenue sharing funds to be used for capital expenditures, and local governments have allocated such funds for construction. (See T5.04 above).

9.01 FEDERAL LAWS

Ohio public libraries are affected by a number of Federal laws including those on equal employment and minimum wages. The Equal Employment Opportunity Act of 1972 (P.L. 92-261), amending the Civil Rights Act of 1964 (42 U.S.C. 2000e), and a series of court decisions which affect employment practices at the local government level have been described in a number of publications.[15, 16]

The Fair Labor Standards Amendments of 1974 (P.L. 93-259) extended to public library employees minimum wage and overtime provisions, equal pay provisions, and provisions prohibiting age discrimination.[17]

10.01 SOURCES OF ADDITIONAL INFORMATION AND ADVICE

Every library administrator, clerk-treasurer, and trustee should have a knowledge of the library laws and should keep alert to changes made by the General Assembly or those court decisions or Opinions which interpret these laws. In addition to the sources cited in this paper, the **Legislative Newsletter**[18] of the Ohio Library Association is a useful source of current information.

Section 309.09 provides that the county prosecutor is the legal advisor of all tax supported libraries and that any library may require written opinions or instructions from him. He prosecutes and defends all suits and actions for the library and other counsel or attorney may not be employed except as provided in Section 309.10.

State officers, state boards, and prosecuting attorneys may request and obtain written opinions from the Attorney General.

11.01 THE STATE LIBRARY OF OHIO

The State Library of Ohio is the responsibility of the five-member State Library Board. State Library Board members are appointed by the (elected) State Board of Education. A member of the State Board of Education, or a person who has been a member of that Board for a year previous, is not eligible for appointment to the State Library Board. A State Library Board member may not serve as a member of a board of trustees of a public library (Sec. 3375.01).

The State Library Board operates under Sections 3375.01 to 3375.05; 3375.70 to 3375.73; and 3375.80 to 3375.82 of the Ohio Revised Code.

Sections 3375.01-02, Ohio Revised Code, establish powers and duties of the State Library Board and the State Librarian. They commission the maintenance of a State Library to serve Ohio citizens by providing books, materials, and services which meet the information needs of State government and other libraries in the state. The Board and State Librarian are responsible for a statewide program of development and coordination of library services, including the formation of library systems. Specific statutory responsibilities include:

Administers money or other aid made available to it for library purposes.

Contracts with other agencies, within and without the state, for library services, facilities, research, or any related purpose.

Approves, disapproves, or modifies resolu-

tions for county district libraries and determines boundaries of such districts.

Adjusts library district boundaries upon request.

Provides consultant and technical assistance.

Conducts research, collects, compiles, and publishes statistics and information concerning libraries in the state.

The State Library's responsibility for a statewide program of development and coordination of library services includes furnishing technical assistance, advice and assistance to all types of libraries, state, local and regional agencies, planning groups, and other appropriate agencies and organizations.

Section 3375.70 authorizes the formation of Area Library Service Organizations (ALSO). Public libraries in two or more counties may form as ALSOs after a committee of area librarians, trustees, and users assesses local needs and develops an ALSO plan of service approved by the State Library Board (Sec. 3375.70).

12.01 LAW LIBRARIES

A number of law libraries are organized under Ohio law and supported chiefly at public expense. The Supreme Court Law Library in Columbus serves the Supreme Court Justices and attorneys appearing before that Court (Sec. 2503.05, 2503.26 et seq.). The board of county commissioners is required to provide, at the expense of the county, space for a law library in the county courthouse or in other suitable quarters in the county seat (Sec. 3375.49). The law provides that the law library may be operated by a law library association for use by judges in the county; by county, municipal, and township officers; and by members of the General Assembly (Sec. 3375.48 and 3375.55).

County law libraries are supported by proceeds from fines and penalties, forfeited deposits, forfeited recognizances from certain violations of the State liquor and traffic laws, and offenses and misdemeanors brought for prosecution in municipal courts and other actions in the courts (Sec. 3375.50-53, 4513.35, and 5503.04). The compensation of the law librarian is determined as authorized in Section 3375.48, and the law provides for an annual report by the board of trustees of the law library association (Sec. 3375.56).

13.01 UNIVERSITY LIBRARIES

The statutes make specific provision or mention of libraries for The Ohio State University (Sec. 3335.04) and Central State University (Sec. 3343.03).

Each of the 12 state-assisted universities is governed by a board of trustees. The nine-member State Board of Regents is charged with the responsibility for the development of higher education and with a number of specific duties in connection with planning, establishing, and coordinating programs of higher education (Sec. 3333.04).

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Any public employee of the state, or any political subdivision thereof, who desires to purchase United States savings bonds by the payroll deduction plan shall be granted such payroll deduction upon request to the head of the state or political subdivision department by whom he is employed.

As used in this section, "public employee" means any person holding an office, not elective, under the state, any county, municipal corporation, park district, conservancy district, sanitary district, health district, township, or public library, or employed and paid in whole or in part by the state or any of such named authorities in any capacity.

101.52 Printing of bills after passage and before enrollment; distribution

After passage and before enrollment, bills shall be printed in ten point type on pages containing seven and one-half by four and one-half inches of solid matter, on paper specified by the state in its notice for proposals for state printing. Bills shall be printed in the exact language in which they were passed, under the supervision of the clerk of the house in which they originated. New matter shall be indicated by capitalization and old matter omitted by striking through such matter. Prior capitalization in a Revised Code section shall be indicated by italicized type.

Five copies of each bill shall be printed in a form suitable for distribution as enrolled bills and not less than one thousand nor more than six thousand copies of each bill shall be printed in a form suitable for distribution as pamphlet laws. The pamphlet laws shall be prepared as follows:

(A) Copies in such number as may be agreed upon by the clerk of the senate and the executive secretary of the house, but in no case shall more than five thousand be printed and apportioned among the senators and representatives;

(B) One thousand copies for distribution by the secretary of state.

101.67 Preservation and printing of papers and documents

The clerk of the senate and the legislative clerk of the house of representatives shall preserve the papers laid before the house of which he is clerk or legislative clerk, and such of them as are ordered printed he shall forthwith deliver to the printer for his use in printing them. The clerk of the senate and legislative clerk of the house of representatives shall read and correct the proofs of papers ordered to be printed by either house. The printer shall immediately print five hundred copies thereof. Each executive officer shall receive one copy, and the state librarian five copies, which he shall preserve.

LEGISLATIVE SERVICES

103.03 Use of books and documents of other state agencies

The director of the legislative reference bureau shall arrange with the proper officials of the Ohio state university, the Ohio state archaeological and historical society, the supreme court law library, and the Ohio state library, for the use of general books and references in their custody, and the proper officials of the Ohio state university, the Ohio state archaeological and historical society, and the Ohio state library are hereby directed to lend to the bureau for the use of said bureau such books and documents as he may require. The director is also authorized to give or lend to the proper officials of the Ohio state university, the Ohio state archaeological and historical society, and the Ohio state library, any books and documents which are not required by him.

SECRETARY OF STATE

111.22 Copies of resolutions and ordinances to be certified to secretary of state

The clerk of every municipal corporation, township, board of elections, and board of county commissioners shall:

(A) Furnish and certify to the secretary of state all copies of resolutions, ordinances, other instruments, portions of public records, and other information as the secretary of state requires;

(B) Furnish and certify duplicate copies of so much of each item as the secretary of state prescribes to the clerk of courts and the law library of the county affected.

STATE DEPARTMENTS

121.161 Vacation leave

Each full-time state employee, including full-time hourly-rate employees, after service of one year with the state, or any political subdivision of the state, shall have earned and will be due upon the attainment of the first year of employment, and annually thereafter, eighty hours of vacation leave with full pay. One year of service shall be computed on the basis of twenty-six biweekly pay periods. A full-time state employee, or county welfare employee with eight or more years of service with the state or any political subdivision of the state shall have earned and is entitled to one hundred twenty hours of vacation leave with full pay. A full-time state employee or county welfare employee with fifteen or more years of service with the state or any political subdivision of the state shall have earned and is entitled to one hundred sixty hours of vacation leave with full pay. A full-time state employee or county welfare employee with twenty-five years of service with the state or any political subdivision of the state shall have earned and is entitled to two hundred hours of vacation leave with full pay. Such vacation leave shall accrue to the employee at the rate of three and one-tenth hours each biweekly period for those entitled to eighty hours per year; four and six-tenths hours each biweekly period for those entitled to one hundred twenty hours per year; and six and two-tenths hours each biweekly period for those entitled to one hundred sixty hours per year; and seven and seven-tenths hours each biweekly period for those entitled to two hundred hours per year.

Employees shall forfeit their right to take or to be paid for any vacation leave to their credit which is in excess of the accrual for three years. Such excess leave shall be eliminated from the employees' leave balance.

Upon separation from state service an employee shall be entitled to compensation at his current rate of pay for all lawfully accrued and unused vacation leave to his credit at the time of separation up to three years. In case of transfer of an employee from one state agency to another, or between a county and the state, the employee shall be compensated at his current rate of pay for accrued and unused vacation leave at the time of transfer by the releasing agency. In case of death of an employee such unused vacation leave shall be paid in accordance with section 2113.04 of the Revised Code, or to his estate. Notwithstanding section 325.19 of the Revised Code, county welfare employees shall receive vacation benefits as provided in this section.

121.22 Meetings of governmental bodies to be public; exception

All meetings of any board or commission of any state agency or authority and all meetings of any board, commission, agency, or authority of any county, township, municipal corporation, school district, or other political subdivision are declared to be public meetings open to the public at all times. No resolution, rule, regulation, or formal action of any kind shall be adopted at any executive session of any such board, commission, agency, or authority.

The minutes of a regular or special session or meeting of any such board, commission, agency, or authority shall be promptly recorded and such records shall be open to public inspection.

The provisions of this section do not apply to the pardon and parole commission when its hearings are conducted at a penal institution for the sole purpose of interviewing inmates to determine parole or pardon.

1970 AGO 165

124.11 Unclassified and classified service

The civil service of the state and the several counties, cities, civil service townships, city health districts, general health districts, and city school districts thereof shall be divided into the unclassified service and the classified service.

(A) The unclassified service shall comprise the following positions, which shall not be included in the classified service, and which shall be exempt from all examinations required by this chapter.

(1) All officers elected by popular vote or persons appointed to fill vacancies in such offices;

(2) All election officers and the employees and clerks of persons appointed by boards of elections;

(3) The members of all boards and commissions, and heads of principal departments, boards, and commissions appointed by the governor or by and with his consent; and the members of all boards and commissions and all

heads of departments appointed by the mayor or, if there is no mayor such other similar chief appointing authority of any city or city school district; this chapter does not exempt the chiefs of police departments and chiefs of fire departments of cities or civil service townships from the competitive classified service;

(4) The members of county or district licensing boards or commissions and boards of revision, and deputy county auditors;

(5) All officers and employees elected or appointed by either or both branches of the general assembly, and such employees of the city legislative authority as are engaged in legislative duties;

(6) All commissioned and noncommissioned officers and enlisted men in the military service of the state including military appointees in the office of the adjutant general;

(7) All presidents, business managers, administrative officers, superintendents, assistant superintendents, principals, deans, assistant deans, instructors, teachers, and such employees as are engaged in educational or research duties connected with the public school system, colleges, and universities, as determined by the governing body of said public school system, colleges, and universities; and the library staff of any library in the state supported wholly or in part at public expense;

(8) Three secretaries, assistants, or clerks and one personal stenographer for each of the elective state officers; and two secretaries, assistants, or clerks and one personal stenographer for other elective officers and each of the principal appointive executive officers, boards, or commissions, except civil service commissions, authorized to appoint such secretary, assistant, or clerk and stenographer;

(9) The deputies and assistants of elective or principal executive officers authorized to act for and in the place of their principals, or holding a fiduciary relation to such principals and those persons employed by and directly responsible to elected county officials and holding a fiduciary or administrative relationship to such elected county officials, and the employees of such county officials whose fitness would be impracticable to determine by competitive examination, provided, that this subdivision shall not affect those persons in county employment in the classified service as of September 19, 1961. Nothing in this subdivision applies to any position in a county department of welfare created pursuant to sections 329.01 to 329.10 of the Revised Code.

(10) Bailiffs, constables, official stenographers, and commissioners of courts of record, and such officers and employees of courts of record as the commission finds it impracticable to determine their fitness by competitive examination;

(11) Assistants to the attorney general, special counsel appointed or employed by the attorney general, assistants to county prosecuting attorneys, and assistants to city solicitors;

(12) Such teachers and employees in the agricultural experiment stations; such student employees in normal schools, colleges, and universities of the state; and such unskilled labor positions as the director of administrative services or any municipal civil service commission may find it impracticable to include in the competitive classified service; provided such exemptions shall be by order of the commission or the director, duly entered on the record of the commission or the director with the reasons for each such exemption;

(13) Such noncitizens of the United States employed by the state, its counties or cities, as physicians or nurses who are duly licensed to practice their respective professions under the laws of Ohio, or medical assistants, in mental, tuberculosis, or chronic disease hospitals, or institutions;

(14) Employees of the governor's office.

(B) The classified service shall comprise all persons in the employ of the state and the several counties, cities, city health districts, general health districts, and city school districts thereof, not specifically included in the unclassified service, and upon the creation by the board of trustees of a civil service township civil service commission all persons in the employ of civil service township police or fire departments having ten or more full-time paid employees to be designated as the competitive class and the unskilled labor class.

(1) The competitive class shall include all positions and employments in the state and the counties, cities, city health districts, general health districts, and city school districts thereof, and upon the creation by the board of trustees of a civil service township of a township civil service commission all positions in civil service township police or fire departments

having ten or more full-time paid employees, for which it is practicable to determine the merit and fitness of applicants by competitive examinations. Appointments shall be made to, or employment shall be given in, all positions in the competitive class that are not filled by the promotion, reinstatement, transfer, or reduction, as provided in this chapter, and the rules of the director of administrative services, by appointment from those certified to the appointing officer in accordance with this chapter.

(2) The unskilled labor class shall include ordinary unskilled laborers. Vacancies in the labor class shall be filled by appointment from lists of applicants registered by the director. The director or the commission shall in his rules require an applicant for registration in the labor class to furnish such evidence or take such tests as the director deems proper with respect to age, residence, physical condition, ability to labor, honesty, sobriety, industry, capacity, and experience in the work or employment for which he applies. Laborers who fulfill the requirements shall be placed on the eligible list for the kind of labor or employment sought, and preference shall be given in employment in accordance with the rating received from such evidence or in such tests. Upon the request of an appointing officer, stating the kind of labor needed, the pay and probable length of employment, and the number to be employed, the director shall certify from the highest on the list, double the number to be employed, from which the appointing officer shall appoint the number actually needed for the particular work. In the event of more than one applicant receiving the same rating, priority in time of application shall determine the order in which their names shall be certified for appointment.

1971 AGO 055

REVENUES AND FUNDS

131.10 Subordination of liens upon securities held to insure contractual obligations

A political subdivision, taxing unit, board of library trustees, or board of directors of a municipal university of this state holding securities under authority of any section of the Revised Code to insure the faithful performance of depository contracts of banks which subsequent to the execution of such contracts are operated by a conservator, state or national, the possession of which is assumed by the superintendent of banks, a receiver appointed by the comptroller of the currency, or other person lawfully in charge of the business and affairs of a closed bank, may subordinate its lien upon such securities to that of a subsequent pledgee of such securities who agrees to advance funds upon such securities. The entire proceeds realized from such subsequent pledge shall be applied by the conservator, the superintendent of banks, the receiver appointed by the comptroller of the currency, or other person lawfully in charge of the business and affairs of a closed bank to reduce the deposit liability of such bank to the political subdivision, taxing unit, board of library trustees, or board of directors of a municipal university. As a part of such transaction such political subdivision, taxing unit, board of library trustees, or board of directors of a municipal university may deliver to such pledgee such securities to be held by it until the lien of such pledgee is satisfied and may consent to the liquidation of such securities in such manner as is agreed upon with such pledgee.

131.18 Release of treasurer and clerk

When a loss of public funds, entrusted to a county or municipal corporation treasurer or to a clerk of the court of common pleas, clerk of the court of appeals, clerk of the municipal court, clerk of the county court, judge of the probate court as clerk of such court, judge of the juvenile court as clerk of such court, or to a township or school district clerk, or a clerk of the board of trustees of a public library by virtue of his office, results from fire, robbery, burglary, flood, or inability of a bank to refund public money lawfully in its possession belonging to such public funds, the board of county commissioners, board of township trustees, the legislative authority of the municipal corporation, the board of education, or the board of library trustees, respectively, may release and discharge such treasurer, clerk, or judge from all personal liability to or demands of such county, township, municipal corporation, school district, or public library, for the loss so created unless the loss resulted from his negligence or other wrongful act.

UNIFORM BOND LAW

133.18 Submission of question of issuing bonds for permanent improvements to electors of school district

At any time the board of education of any school district may submit to the electors of the

subdivision the question of issuing any bonds for the purpose of acquiring or constructing any permanent improvement which such subdivision is authorized to acquire or construct. Such board, by a vote of two-thirds of all its members, may declare by resolution the necessity of such bond issue and fix the amount, purpose, approximate date, interest rate, and maturity, and also the necessity of the levy of a tax outside the limitation imposed by Section 2 of Article XII, Ohio Constitution, to pay the interest on and to retire said bonds, and that the question of issuing such bonds and levying such tax shall be submitted to the electors of the subdivision at a general, primary, or a special election to be held at a time specified in such resolution. Such resolution shall conform to the requirements of section 133.09 of the Revised Code, except that it shall be certified to the county auditor at least one hundred ten days prior to the election at which it is desired to submit such question. Thereupon and more than one hnudred days prior to the date of such election the auditor shall calculate and certify to the taxing authority the average annual levy which will be required to pay the interest on and retire such bonds, and so that the taxing authority shall, if it desires to proceed with the issue of said bonds, not later than four p.m. of the ninetieth day before the day of such election, certify its resolution so determining to proceed to the board of elections in the manner provided by said section. The resolution shall go into immediate effect upon its adoption, and no publication of the resolution shall be necessary other than that provided for in the notice of the election. Section 133.11 of the Revised Code shall govern the arrangements for the submission of such question to the electors, except that such election shall be held on the date specified in the resolution. Not more than two special elections for the submission of such question may be held in any calendar year and none shall be held during the thirty days immediately preceding or following a primary or general election, provided a special election may be held upon the same day a primary election is held. Publication of notice of such election must be made in one or more newspapers of general circulation in the county once a week for four consecutive weeks. If a majority of those voting upon the proposition vote in favor thereof, the taxing authority of such subdivision may proceed under sections 133.01 to 133.48, inclusive, of the Revised Code, particularly sections 133.32 to 133.36, inclusive, of the Revised Code, with the issue of such bonds and the levy of a tax outside the ten-mill limitation sufficient in amount to pay the interest on and retire such bonds at maturity.

133.30 Taxing authority may borrow money and issue notes in anticipation of the collection of current revenues

In anticipation of the collection of current revenues in and for any fiscal year, the taxing authority of any subdivision may borrow money and issue notes therefor, but the aggregate of such loans shall not exceed one half of the amount estimated to be received from the next ensuing settlement of taxes for such fiscal year as estimated by the budget commission, other than taxes to be received for the payment of debt charges, and all advances. When a partial, semiannual, or final tax settlement is delayed, such borrowing authority may be exceeded and money may be borrowed in anticipation of the receipt of taxes for debt charges to the extent necessary to meet such debt charges but not in excess of such estimated receipts, less all advances. The sums so anticipated shall be deemed appropriated for the payment of such notes at maturity. The notes shall not run more than six months, and the proceeds therefrom shall be used only for the purposes for which the anticipated taxes were levied, collected, and appropriated. No subdivision shall borrow money or issue certificates in anticipation of such taxes before the first day of January of the year of such tax receipts.

In anticipation of the collection of current revenues in and for any fiscal year, other than the proceeds of taxes levied by the subdivision upon the duplicate of such subdivision, the taxing authority of any subdivision may, in addition to the authority provided in the first paragraph of this section, borrow money and issue notes therefor, but the aggregate of such loans shall not exceed one half of the amount estimated to be received from such sources during such fiscal year, less any advances thereon. The sums so anticipated shall be deemed appropriated for the payment of such notes at maturity. The notes shall not run more than six months, and the proceeds shall be used only for the purposes for which the anticipated revenues are collected and appropriated.

The power conferred by this section is vested in any board of library trustees or board of park commissioners of a township to which the budget commission has allotted a share of the undivided classified property tax fund collected within the county, and shall be exercised after the first day of January in any year in anticipation of the collection of the amount so allotted for such year.

Power conferred by this section is vested in the boards of trustees authorized by sections 741.02 and 741.32 of the Revised Code and shall be exercised after the first day of January in any year in anticipation of the collection of taxes for such year. The aggregate of such loans to each board shall not exceed one half of the amount distributable to such board at the next settlement of such taxes for such fiscal year as fixed by the budget commission, other than advances. This section so far as applicable, governs such board in the issuance of such notes and the appropriation and expenditure of the proceeds thereof, and of the revenues so anticipated.

1932 AGO 4118

133.32 Issuance of notes in anticipation of bonds; procedure for renewal

Whenever the taxing authority of a subdivision has legal authority to and desires to issue bonds without vote of the people, it shall pass a resolution or ordinance declaring the necessity of such bond issue, its purpose, and amount. In such resolution or ordinance, and in any case when an issue of bonds has been approved by a vote of the people, the taxing authority shall, by ordinance or resolution, determine whether notes shall be issued in anticipation of the issue of bonds, and, if so, the amount of such anticipatory notes, not to exceed the amount of the bond issue, the rate of interest, the date of such notes, their maturity, not to exceed five years, and provision, if any, for their redemption before maturity. Except in the case of notes issued in anticipation of special assessment bonds, the resolution or ordinance providing for the issue of notes in anticipation of the issue of bonds shall provide for the levy of a tax during the years while such notes run, not less than that which would have been levied if bonds had been issued without the prior issue of such notes. A copy of such resolution or ordinance shall be certified by the fiscal officer of the subdivision to the county auditor of the county in which such subdivision is located. All of such anticipatory notes issued for less than five years may be renewed from time to time until the expiration of five years from the date of original issue, or until the final disposition of any litigation which prevents the sale or issuance of the bonds. All notes issued in anticipation of bonds are exempt from all debt limitations in the same manner as if bonds had been issued without the prior issue of such notes.

DOCUMENTS, REPORTS, AND RECORDS

149.091 Publication and distribution of session laws

The secretary of state shall publish and distribute a maximum of nine hundred copies of the session laws in permanently bound form, either annually or biennially. The permanently bound volumes shall contain copies of all enrolled acts and joint resolutions, except appropriation laws, and shall contain a subject index and a table indicating Revised Code sections affected. The secretary of state shall cause to be printed in each volume his certificate that the laws, as assembled therein, are true copies of the original enrolled bills in his office.

The secretary of state shall distribute the permanently bound volumes of the session laws in the following manner:

(A) One hundred nine copies shall be forwarded to the legislative clerk of the house of representatives.

(B) Forty-three copies shall be forwarded to the clerk of the senate.

(C) One copy shall be forwarded to each county auditor.

(D) One copy shall be forwarded to each county law library.

(E) Seventy-five copies shall be forwarded to the Ohio supreme court.

(F) Two copies shall be forwarded to the division of the library of congress.

(G) Two copies shall be forwarded to the state library.

(H) Two copies shall be forwarded to the Ohio historical society.

(I) Eight copies shall be forwarded to the legislative service commission.

(J) Five copies shall be forwarded to the legislative reference bureau.

(K) Two hundred copies may be distributed, free of charge, to public officials.

(L) Remaining copies may be sold by the

secretary of state at a price to be determined by the department of administrative services, but such selling price shall not exceed by ten per cent the cost of publication and distribution.

149.11 Distribution of publications intended for general public use

Any person or company, awarded a contract to print a report, pamphlet, document, or other publication intended for general public use and distribution for a department, division, bureau, board, or commission of the state government, shall print one hundred and fifty copies of such publication for delivery to the state library, subject to provisions of section 125.42 of the Revised Code.

Any department, division, bureau, board, or commission of the state government issuing a report, pamphlet, document, or other publication intended for general public use and distribution, which publication is reproduced by duplicating processes such as mimeograph, multigraph, planograph, rotaprint, or multilith, shall cause to be delivered to the state library one hundred fifty copies of such publication, subject to the provisions of section 125.42 of the Revised Code.

The state library board shall distribute the publications so received as follows:

(A) Retain two copies in the state library;

(B) Send two copies to the document division of the library of congress;

(C) Send one copy to the Ohio historical society and to each public or college library in the state designated by the state library board to be a depository for state publications. In designating which libraries shall be depositories, the board shall select those libraries which can best preserve such publications and which are so located geographically as will make the publications conveniently accessible to residents in all areas of the state;

(D) Send one copy to each state in exchange for like publications of such state.

All copies undistributed ninety days after receipt by the state library shall be returned to the issuing agency.

The provisions of this section shall not apply to any publication of the general assembly or to the publications described in sections 149.07, 149.08, 149.09, and 149.17 of the Revised Code, except that the secretary of state shall forward to the document division of the library of congress two copies of all journals, seven copies of laws in bound form as provided for in section 149.09 of the Revised Code, and seven copies of all appropriation laws in separate form.

149.30 Powers of Ohio historical society

The Ohio historical society, chartered by this state as a corporation not for profit to promote a knowledge of history and archaeology, especially of Ohio, and operated continuously in the public interest since 1885, may perform public functions as prescribed by law.

The general assembly may appropriate money to the Ohio historical society each biennium to carry out the public functions of the society as enumerated in this section. An appropriation by the general assembly to the society constitutes an offer to contract with the society to carry out those public functions for which appropriations are made. An acceptance by the society of the appropriated funds constitutes an acceptance by the society of the offer and is deemed an agreement by the society to perform those functions in accordance with the terms of the appropriation and the law and to expend the funds only for the purposes for which appropriated. The governor may request on behalf of the society, and the emergency board may release additional funds to the society for repair and rehabilitation of an emergency nature for which funds have not been appropriated, and acceptance by the society of such moneys constitutes an agreement on the part of the society to expend such funds only for the purpose for which released by the emergency board.

The society shall faithfully expend and apply all moneys received from the state to the uses and purposes directed by law and for necessary administrative expenses. The society shall accurately record all expenditures of such funds in conformity with established accounting principles and practices pursuant to the rules and regulations of the auditor of state and the office of budget and management.

The auditor of state annually shall examine all funds and fiscal records of the society.

The public functions to be performed by the Ohio historical society shall include: . . .

(F) Publishing books, pamphlets, periodicals, and other publications about history, archaeology, and natural science and supplying one copy of each regular periodical issue to all public libraries in this state without charge; . . .

149.31 Archives administration

The Ohio historical society, in addition to its other functions, shall be the archives administration for the state of Ohio and its political subdivisions.

It shall be the function of the archives administration to preserve archives, documents, and records of historical value which may come into its possession from public or private sources.

Said archives administration shall evaluate, preserve, arrange, service, repair, or make other disposition, such as transfer to libraries and county historical societies, of those records of the state and its political subdivisions which may come into its possession under the provisions of this section.

The archives administration shall be headed by a trained archivist and shall make its services available to county and municipal records commissions upon request.

149.38 County records commission

There is hereby created in each county a county records commission, composed of the president of the board of county commissioners as chairman, the prosecuting attorney, the auditor, the recorder, and the clerk of the court of common pleas. The commission shall appoint a secretary who may or may not be a member of the commission and who shall serve at the pleasure of the commission. The commission may employ a trained archivist to serve under its direction. The commission shall meet at least once every six months, and upon call of the chairman.

The functions of said commission shall be to provide rules and regulations for retention and disposal of public records of the county and to review records disposal lists submitted by county offices. The disposal lists shall contain those records which have been microfilmed or no longer have administrative, legal, or fiscal value to the county or to the citizens thereof. Such records may be disposed of by the commission pursuant to procedure hereinafter outlined.

When county records have been approved for disposal, a list or description thereof shall be published in three successive issues of a local newspaper, and a copy of such records list shall be sent to the bureau of inspection and supervision of public offices of the auditor of state. If said bureau disapproves the action by the county commission in whole or in part it shall so inform the commission within a period of sixty days and these records shall not be destroyed. Before records are otherwise disposed of, the archivist of the Ohio historical society shall be informed and given the opportunity for a period of sixty days to select for custody or disposal such records as may be deemed to be of continuing historical value.

1960 AGO 1552

149.39 City records commission

There is hereby created in each municipality a records commission composed of the chief executive, as chairman, and three officers or citizens named by the chief executive. The commission shall appoint a secretary, who may or may not be a member of the commission and who shall serve at the pleasure of the commission. The commission may employ an archivist to serve under its direction.

The functions of said commission shall be to review records disposal lists submitted by municipal offices. The disposal lists shall contain those records which have been microfilmed or no longer have administrative, legal, or fiscal value to the municipality or to its citizens. Such records may be disposed of by the commission pursuant to procedure hereinafter outlined.

When municipal records have been approved for disposal, a list or description thereof shall be published in a newspaper of general circulation in the county in which the municipality is located on the same day of the week for two consecutive weeks, and a copy of such records list shall be sent to the bureau of inspection and supervision of public offices of the auditor of state. If said bureau disapproves of the action by the municipal commission, in whole or in part, it shall so inform the commission within a period of sixty days. Before records are otherwise disposed of, the Ohio historical society shall be informed and given the opportunity for a period of sixty days to select for its custody or disposal such records as it may deem to be of continuing historical value.

149.40 Records and archives defined

Any document, device, or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office, is a

record within the meaning of sections 149.31 to 149.44, inclusive, of the Revised Code.

Any public record which is transferred to an archival institution pursuant to sections 149.31 to 149.44, inclusive, of the Revised Code because of the historical information contained therein shall be deemed to be an archive within the meaning of these sections.

149.41 School district records commission

There is hereby created in each county, city, and exempted village school district a school district records commission, to be composed of the president, the clerk of the board of education, and the superintendent of schools in each such district.

Any and all other provisions of law, and particularly section 9.01 of the Revised Code, to the contrary notwithstanding, each such school district records commission shall have authority to order the destruction, retention, or other disposition, at any time, of any record, document, plat, paper or instrument in writing that has been copied or reproduced in the manner and according to the procedure prescribed in section 9.01 of the Revised Code. Provided, however that before such order may be given by such school district records commission, the officer or person in charge, or the majority where there are more than one, of any office, department, school or agency of the school district shall request in writing, that such permission be granted. When such written application is made by a member of such school district records commission, that member shall not serve in the consideration of the application.

No order of such school district records commission to destroy or otherwise dispose of any record or records shall be valid unless it is agreed to by each such member of the commission eligible hereunder to act, reduced to writing, signed by each such member and approved by the board of education of such district.

149.42 Township records commission

There is hereby created in each township a township records commission, to be composed of the chairman of the board of township trustees of the township, the prosecuting attorney of the county wherein the township is situated, and the clerk of courts of the county wherein the township is situated.

Any and all other provisions of law, and particularly section 9.01 of the Revised Code, to the contrary notwithstanding, each township records commission shall have authority to order the destruction, retention, or other disposition, at any time, of any record, document, plat, paper, or instrument in writing that has been copied or reproduced in the manner and according to the procedure prescribed in section 9.01 of the Revised Code, upon written application made to such commission by the township clerk.

All vouchers for payments and disbursements made to and by the board of township trustees shall be preserved by the township clerk for a period of ten years unless copied or reproduced according to the procedure prescribed in this section and section 9.01 of the Revised Code. Thereafter, such vouchers may be destroyed by the township clerk upon applying to and obtaining an order from the township records commission to destroy such vouchers, except that it shall not be necessary to copy or reproduce such vouchers before their destruction.

No order of such township records commission to destroy or otherwise dispose of any record or records shall be valid unless it is agreed to by each such member of the commission, reduced to writing, signed by each member and approved by the board of trustees of such township.

1960 AGO 1552

ALTERNATIVE FORMS OF GOVERNMENT

302.21 Mutual aid agreements

The board of county commissioners as provided in section 302.22 of the Revised Code may enter into an agreement with the legislative authority of any municipal corporation, township, port authority, water or sewer district, school district, library district, health district, park district, soil and water conservation district, water conservancy district, or other taxing district, or with the board of any other county, and such legislative authorities may enter into agreements with the board, whereby such board undertakes, and is authorized by the contracting subdivision, to exercise any power, perform any function, or render any service, in behalf of the contracting subdivision or its legislative authority, which such subdivision or legislative authority may exercise, perform, or render.

Upon the execution of such agreement and within the limitations prescribed by it, the

board may exercise the same powers as the contracting subdivision possesses with respect to the performance of any function or the rendering of any service, which, by such agreement, it undertakes to perform or render, and all powers necessary or incidental thereto, as amply as such powers are possessed and exercised by the contracting subdivision directly. In the absence in such agreement of provisions determining by what officer, office, department, agency, or authority, the powers and duties of the board shall be exercised or performed, the board shall, within the limits of this section, determine and assign such powers and duties to any officer or officers of county government including the auditor, treasurer, engineer, recorder, coroner, sheriff, and prosecuting attorney. Any agreement authorized by this section shall not suspend the possession by a contracting subdivision of any power or function exercised or performed by the board in pursuance of such agreement. Nor shall the board, by virtue of any agreement entered into under this section, acquire any power to levy taxes within and in behalf of a contracting subdivision unless approved by a majority of the electors of the contracting subdivision.

The boards of county commissioners of any two or more counties may contract with each other or by contract create any joint agency to exercise any power, perform any function, or render any service which any board of county commissioners may exercise, perform, or render.

BOARD OF COUNTY COMMISSIONERS — POWERS

307.02 Providing county facilities; costs and specifications; bids

The board of county commissioners of any county, in addition to its other powers, may purchase, for cash or by installment payments, enter into lease-purchase agreements, lease with option to purchase, lease, appropriate, construct, enlarge, improve, rebuild, equip, and furnish a courthouse, county offices, jail, county home, juvenile court building, detention home, public market houses, county children's home, community mental health facility or community mental retardation facility, alcohol treatment and control center, other necessary buildings, public stadiums, public auditorium, exhibition hall, zoological park, and off-street parking facilities determined by the board of county commissioners to be so situated as to be useful for any of such purposes or any combination of such purposes, for the use of which parking facilities the board of county commissioners may establish and collect rates, charges, or rents, and sites therefor, such real estate adjoining an existing site as is necessary for any of such purposes, including real estate necessary to afford light, air, protection from fire, suitable surroundings, ingress, and egress; such copies of any public records of such county, made or reproduced by miniature photography or microfilm, as are necessary for the protection and preservation of public records of such county. . . .

307.03 Use of county buildings for public library

The board of county commissioners may, by resolution, permit the use of public grounds or buildings under its control for a public library or any other public purpose, upon such terms as it prescribes.

307.15 Agreements and contracts with other units of government

The board of county commissioners may enter into an agreement with the legislative authority of any municipal corporation, township, port authority, water or sewer district, school district, library district, health district, park district, soil and water conservation district, water conservancy district, or other taxing district, or with the board of any other county, and such legislative authorities may enter into agreements with the board, whereby such board undertakes, and is authorized by the contracting subdivision, to exercise any power, perform any function, or render any service, in behalf of the contracting subdivision or its legislative authority, which such subdivision or legislative authority may exercise, perform, or render; or whereby the legislative authority of any municipal corporation undertakes, and is authorized by the board, to exercise any power, perform any function, or render any service, in behalf of the county or the board, which the county or the board may exercise, perform, or render. The board may enter into an agreement with the board of township trustees of any township within the county, whereby the board or any county official designated by the board, purchases at the request of the township any materials for the construction, maintenance, or repair of any township road or for the mainte-

nance or repair of any township building, and sells the materials to the township at the cost to the county, which cost shall include the purchase price and any expenses incurred in such purchase, providing the amount involved does not exceed one thousand dollars.

Upon the execution of such agreement and within the limitations prescribed by it, the board may exercise the same powers as the contracting subdivision possesses with respect to the performance of any function or the rendering of any service, which, by such agreement, it undertakes to perform or render, and all powers necessary or incidental thereto, as amply as such powers are possessed and exercised by the contracting subdivisions directly; and the legislative authority of any municipal corporation may exercise the same powers as the county possesses with respect to the performance of any function or the rendering of any service, which, by such agreement, it undertakes to perform or render, and all powers necessary or incidental thereto, as amply as such powers are possessed and exercised by the county directly. In the absence in such agreement of provisions determining by what officer, office, department, agency, or authority, the powers and duties of the board shall be exercised or performed, the board shall determine and assign such powers and duties. In the absence in such agreement of provisions determining by what officer, office, department, agency, or authority, the powers and duties of the legislative authority of the municipal corporation shall be exercised or performed, such legislative authority shall determine and assign such powers and duties. Sections 307.14 to 307.19, inclusive, of the Revised Code, or any agreement authorized by such sections, shall not suspend the possession by a contracting subdivision of any power or function exercised or performed by the board, or the possession by a county of any power or function exercised or performed by the contracting municipal corporation, in pursuance of such agreement. Nor shall the board, by virtue of any agreement entered into under this section, acquire any power to levy taxes within and in behalf of a contracting subdivision unless approved by a majority of the electors of the contracting subdivision.

The boards of county commissioners of any two or more counties may contract with each other or by contract create any joint agency to exercise any power, perform any function, or render any service which any board of county commissioners may exercise, perform, or render.

307.23 Historical society appropriations

The board of county commissioners of any county having a population of less than twenty-five thousand, according to the next preceding United States census, may appropriate out of the revenue fund not otherwise appropriated, a sum not exceeding five thousand dollars annually; in counties having a population of more than twenty-five thousand and not more than one hundred thousand, according to such census, the board may appropriate a sum not exceeding eight thousand dollars annually; in counties having a population of more than one hundred thousand and not more than three hundred thousand, according to such census, the board may appropriate a sum not exceeding fifteen thousand dollars annually; in counties having a population of more than three hundred thousand, according to such census, the board may appropriate a sum not exceeding twenty-five thousand dollars annually, to be paid to the historical society of such counties respectively, to be used for the promotion of historical work within the borders of the county, and for the collection, preservation, and publication of historical material, and to disseminate historical information of the county, and in general to defray the expense of carrying on historical work in such county.

Such funds may not be used for the construction of buildings. No board may appropriate any funds for the benefit of any county historical society unless such society is incorporated not for profit under the laws of this state. Application for the funds shall be made in the form of a certified copy of a resolution adopted by the applicant society.

307.25 Distribution of books

The publications provided for in section 307.23 of the Revised Code shall be placed in the custody of the incorporated historical societies and be distributed by them at such price and in such manner as the society directs.

307.26 Organization and maintenance of civic and social centers

The board of county commissioners may, provide for the organization and maintenance

of civic and social centers throughout the county, employ an expert director who shall superintend and administer the centers, and levy a tax and create a fund for the payment of all expenses involved in the social and educational work contemplated in this section. Any municipal corporation carrying on similar work shall, at the option of the city council or other governing body, be exempt from the operation of this section. The board may, or, upon petition of ten per cent of the qualified school electors of the county shall, refer the question of providing for this social, educational, and recreational work to a vote of the electors of the county or such portions of the county as are affected by this section.

307.846 Contract for services with other authorities

The county automatic data processing board may enter into a contract with the legislative authorities of any municipal corporation, township, port authority, water or sewer district, school district, library district, county law library association, health district, park district, soil and water conservation district, conservancy district, other taxing district, regional council established pursuant to Chapter 167. of the Revised Code, or otherwise or with the board of county commissioners or the automatic data processing board of any other county, or with any other federal or state governmental agency, and such authorities may enter into contracts with the county automatic data processing board, to provide automatic data processing services to any of them. The board shall establish a schedule of charges upon which the cost of providing such services shall be based. All moneys collected by the board for services rendered pursuant to contracts entered into under this section shall be deposited in the county general fund; however, such moneys may be segregated into a special fund in the county treasury until the end of the calendar year. County offices may also be charged for such services and the appropriation so charged and the appropriation of the board so credited.

PROSECUTING ATTORNEY

309.09 Legal adviser; additional counsel

The prosecuting attorney shall be the legal adviser of the board of county commissioners, board of elections, and all other county officers and boards, including all tax supported public libraries, and any of them may require written opinions or instructions from him in matters connected with their official duties. He shall prosecute and defend all suits and actions which any such officer or board directs or to which it is a party, and no county officer may employ any other counsel or attorney at the expense of the county, except as provided in section 305.14 of the Revised Code.

Such prosecuting attorney shall be the legal adviser for all township officers. When the board of township trustees deems it advisable or necessary to have additional legal counsel it may employ an attorney other than the prosecuting attorney of the county, either for a particular matter or on an annual basis, to represent the township and its officers in their official capacities and to advise them on legal matters. No such counsel or attorney may be employed, except on the order of the board of township trustees, duly entered upon its journal, in which the compensation to be paid for such legal services shall be fixed. Such compensation shall be paid from the township fund.

309.10 Provisions for other counsel

Sections 309.08 and 309.09 of the Revised Code do not prevent a school board from employing counsel to represent it, but such counsel, when so employed, shall be paid by such school board from the school fund. Such sections do not prevent a board of county hospital trustees from employing counsel with the approval of the county commissioners to bring legal action for the collection of delinquent accounts of such hospital, but such counsel, when so employed, shall be paid from the hospital's funds. Such sections do not prevent a board of library trustees from employing counsel when the prosecuting attorney is unable to serve or is adversely interested or when legal action is between two or more boards of library trustees in the same county, but such counsel, when so employed, shall be paid from the library's funds. Such sections do not prevent the appointment and employment of assistants, clerks, and stenographers, to the prosecuting attorney as provided in sections 309.01 to 309.16, inclusive, of the Revised Code, or the appointment by the court of common pleas or the court of appeals of an attorney to assist the prosecuting attorney in the trial of a criminal cause pending in such court, or the board of county commissioners from paying such services.

SHERIFF

311.29 Contract with sheriff for police service; reimbursement of county

The sheriff may, from time to time, enter into contracts with any municipal corporation, township, port authority, water or sewer district, school district, library district, health district, park district, soil and water conservation district, water conservancy district, or other taxing district or with the board of county commissioners of any contiguous county with the concurrence of the sheriff of such other county, and such subdivisions, authorities, and counties may enter into agreements with the sheriff whereby the sheriff undertakes and is authorized by the contracting subdivision, authority, or county to perform any police function, exercise any police power, or render any police service in behalf of the contracting subdivision, authority, or county, or its legislative authority, which such subdivision, authority, or county, or its legislative authority, may perform, exercise, or render. . . .

TREASURER

321.34 Advance payment to local authorities

When the local authorities by resolution so request, the county auditor shall draw and the county treasurer shall pay on such draft to township clerks, treasurers of municipal corporations, the clerk of any board of education, and the treasurer of any other political subdivision or taxing district whose funds derived from taxes or other sources are payable by law to the county treasurer, any money that may be in the county treasury to the accounts of such local authorities, respectively, and lawfully applicable to the purpose of the current fiscal year in which such request is made. The auditor and county treasurer shall retain any amounts needed to make such payments of obligations of local political subdivisions or taxing districts as are required by law to be paid directly by the county authorities.

The auditor, in making such advance payment, shall draw separate warrants for the payments for that part of the funds allocated to the general fund of the subdivision and the part allocated to service the debt charges of the subdivision. That part of the advance payment allocated to servicing of debt charges shall be payable to the officer, board of trustees, or commission of the subdivision charged with the payment and retirement of the bonds and notes of such subdivision, and shall be used for no other purpose. Any officer, board, or commission receiving such advance payment shall return a certificate, in the form prescribed by the bureau of inspection and supervision of public offices, to the auditor that the funds so advanced and received have been paid into the bond retirement fund.

Upon the request, in like form, of any board of public library trustees or board of township park commissioners for which a share of the undivided classified property taxes collected in the county has been allowed and fixed by the budget commission, the auditor may, prior to the first day of April, in any year, draw and the county treasurer shall pay to the treasurer of such board, from any undivided tax funds in the county treasury, an amount not exceeding twenty-five per cent of the board's share of such undivided classified property taxes; but the auditor and county treasurer shall retain an amount sufficient to meet all other requests for payments which have been made under this section or can be reasonably anticipated prior to such first day of April. On or after the first day of April all amounts paid out of undivided tax funds shall be reimbursed to the funds from which they have been paid and charged against the share of such board of library trustees or board of township park commissioners in the undivided classified property tax fund.

COMPENSATION

325.19 Vacation leave; holiday pay

Each full-time employee in the several offices and departments of the county service, including full-time hourly-rate employees, after service of one year with the county or any political subdivision of the state, shall have earned and will be due upon the attainment of the first year of employment, and annually thereafter, eighty hours of vacation leave with full pay. One year of service shall be computed on the basis of twenty-six biweekly pay periods. A full-time county employee with eight or more years of service with the county or any political subdivision of the state shall have earned and is entitled to one hundred twenty hours of vacation leave with full pay. A full-time county employee with fifteen or more years of service with the county or any political subdivision of the state shall have earned and is entitled to one hundred sixty hours of vacation leave with

full pay. A full-time county employee with twenty-five years of service with the county or any political subdivision of the state shall have earned and is entitled to two hundred hours of vacation leave with full pay. Such vacation leave shall accrue to the employee at the rate of three and one-tenth hours each biweekly period for those entitled to eighty hours per year; four and six-tenths hours each biweekly period for those entitled to one hundred twenty hours per year; six and two-tenths hours each biweekly period for those entitled to one hundred sixty hours per year; and seven and seven-tenths hours each biweekly period for those entitled to two hundred hours per year. Days specified as holidays in section 124.19 of the Revised Code shall not be charged to an employee's vacation leave. Vacation leave shall be taken by the employee during the year in which it accrued and prior to the next recurrence of the anniversary date of his employment; provided, the appointing authority may, in special and meritorious cases, permit such employee to accumulate and carry over his vacation leave to the following year. No vacation leave shall be carried over for more than three years. An employee is entitled to compensation, at his current rate of pay, for the pro-rated portion of any earned but unused vacation leave for the current year to his credit at time of separation, and in addition shall be compensated for any unused vacation leave accrued to his credit, with the permission of the appointing authority, for the three years immediately preceding the last anniversary date of employment.

In addition to such vacation leave, such county employee is entitled to eight hours of holiday pay for New Year's Day, Washington-Lincoln Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day of each year. Holidays shall occur on the days specified in section 1.14 of the Revised Code. In the event that any of the aforesaid holidays fall on Saturday, the Friday immediately preceding shall be observed as the holiday. In the event that any of the aforesaid holidays fall on Sunday, the Monday immediately succeeding shall be observed as the holiday. If an employee's work schedule is other than Monday through Friday, he is entitled to holiday pay for holidays observed on his day off regardless of the day of the week on which they are observed.

In the case of the death of a county employee, the unused vacation leave and unpaid overtime to the credit of any such employee, shall be paid in accordance with section 2113.04 of the Revised Code, or to his estate.

1962 AGO 3464

PLANS OF GOVERNMENT

705.22 Annual report of municipal corporation

At the end of each year the legislative authority of a municipal corporation shall have an annual report printed, in pamphlet form, giving:

(A) The classified statement of all receipts, expenditures, assets, and liabilities of the municipal corporation;

(B) A detailed comparison of such receipts and expenditures with those of the preceding year;

(C) A summary of the proceedings of the legislative authority and a summary of the operations of the administrative departments for the previous twelve months.

A copy of this report shall be furnished to the bureau of inspection and supervision of public offices, the municipal library, and to any citizen of the municipal corporation who applies therefor at the office of the clerk. Similar reports may be printed quarterly. All meetings of the legislative authority or committees thereof shall be public and any citizen of the municipal corporation shall have access to the minutes and records thereof at all reasonable times.

GENERAL POWERS OF MUNICIPAL CORPORATIONS

715.13 Public band concerts and libraries

Any municipal corporation may establish, maintain, and regulate free public band concerts and maintain and regulate free public libraries established by the municipal corporation prior to September 4, 1947. Such municipal corporation may purchase books, papers, maps, and manuscripts for such libraries, receive donations and bequests of money or property for such libraries, in trust or otherwise, and provide for the rent and compensation for the use of any existing free public libraries established and managed by a private corporation or association organized for that purpose.

1949 AGO 1291

See also Supreme Court decision 1966 and Appeals Court decision 1952

SPECIFIC POWERS OF MUNICIPAL CORPORATIONS

717.01 Powers of municipal corporations

Each municipal corporation may: . . .

(K) Construct free public libraries and reading rooms, and free recreation centers; . . .

1949 AGO 1291

APPROPRIATION OF PROPERTY

719.01 Appropriation of property by municipal corporations

Any municipal corporation may appropriate, enter upon, and hold real estate within its corporate limits:

. . . (H) For libraries, university sites, and grounds therefor; . . .

The powers conferred upon municipal corporations by this section shall be exercised for the purposes and in the manner provided in sections 163.01 to 163.22, inclusive, of the Revised Code.

SALE OR LEASE OF PROPERTY

721.22 Transfer and lease of property by municipal corporation for library purposes

A municipal corporation may, by ordinance, transfer, lease, or permit the use of any property, real or personal suitable for library purposes, to the board of trustees of any free public library or any library association rendering free library service to the inhabitants of the municipal corporation, upon such lawful terms as are agreed upon between the municipal corporation and the trustees of such library or library association.

1925 AGO 2539

EDUCATIONAL CORPORATIONS

1713.28 Organic rules may be prescribed in articles of certain corporations

An association incorporated for the purpose of receiving gifts, devises, or trust funds to erect, establish, or maintain an academy in any department of fine arts, a gallery for the exhibition of paintings, sculpture, or works of art, a museum of natural or other curiosities or specimens of art or nature promotive of knowledge, a law or other library, courses of lectures upon science, art, philosophy, natural history, or law, and to open them to the public on reasonable terms, an industrial training school or a mechanics' institute for advancing the best interest of mechanics, manufacturers, and artisans by the more general diffusion of useful knowledge in those classes of the community, or homes for indigent and aged widows and unmarried women, whose directors or trustees may be of either sex, may prescribe in its articles of incorporation the tenure of office of the trustees or directors, the mode of appointing or electing successors, the administration and management of the property, trust, and other funds of the corporation, and such other organic rules as are deemed expedient or acceptable to donors, which shall be the permanent organic law of the corporation.

By certificate duly acknowledged by the trustees or directors and filed in the office of the secretary of state, such association may add to the original objects and purposes thereof any of the objects and purposes mentioned in this section and not provided for by the articles of incorporation.

1960 AGO 1535
1962 AGO 2956
1970 AGO 040
1971 AGO 025

SUPREME COURT

2503.05 Appointees of supreme court; compensation

The supreme court may appoint the clerk of the supreme court, the reporter of the supreme court, the administrative assistant of the supreme court, the law librarian, who shall also be the marshal of the court, and such assistants, deputies, clerks, stenographers, and other employees who are necessary for the prompt and efficient discharge of the duties of the offices of the clerk, the reporter, the administrative asistant, and the librarian. All such appointees shall serve at the pleasure of the court.

The supreme court shall fix the compensation to be paid the clerk, the reporter, the administrative assistant, the librarian, and all assistants, deputies, clerks, stenographers, and other employees, which compensation shall be paid from the state treasury in semimonthly installments upon the approval of the court. Every appropriation authorized by the General Assembly, for the payment of such compensation, may be distributed and paid among such several appointees referred to in this section, as said court may direct.

2503.26 Bond of law librarian

Before entering upon the discharge of the *duties of his office, the law librarian shall give* bond to the state in the sum of five thousand dollars, with two or more sureties approved by the chief justice of the supreme court, conditioned for the faithful discharge of the duties of his office. Such bond with the approval of the chief justice and the oath of office indorsed thereon shall be deposited with the treasurer of state and kept in his office.

2503.27 Duties of law librarian

The law librarian shall make and deliver to his predecessor in office a receipt for the books and other property belonging to the law library which come into his possession. He separately shall specify in such receipt each book or set of books, and each article of property under his control, and file the receipt with the treasurer of state. Such librarian shall make further receipts for books or property purchased for or presented to such library and file them with the treasurer of state. On the death, resignation, or removal of such librarian, the books and other property of such library shall forthwith be delivered to his successor, and credit therefor entered on the receipts so filed. Such library shall be independent of the state library.

2503.28 Librarian to have charge of law library

The law librarian shall have charge of the law library, the rooms designated for the use of the court, with all property pertaining thereto, and perform such other services as the court directs.

SEX OFFENSES

2907.31 Disseminating matter harmful to juveniles

(A) No person, with knowledge of its character, shall recklessly furnish or present to a juvenile any material or performance which is obscene or harmful to juveniles.

(B) The following are affirmative defenses to a charge under this section, involving material or a performance which is harmful to juveniles but not obscene:

(1) The defendant is the parent, guardian, or spouse of the juvenile involved.

(2) The juvenile involved, at the time the material or performance was presented to him was accompanied by his parent or guardian who, with knowledge of its character, consented to the material or performance being furnished or presented to the juvenile.

(3) The juvenile exhibited to the defendant or his agent or employee a draft card, driver's license, birth certificate, marriage license, or other official or apparently official document purporting to show that such juvenile was eighteen years of age or over or married, and the person to whom such document was exhibited did not otherwise have reasonable cause to believe that such juvenile was under the age of eighteen and unmarried.

(C) It is an affirmative defense to a charge under this section, involving material or a performance which is obscene or harmful to juveniles, that such material or performance was furnished or presented for a bona fide medical, scientific, educational, governmental, judicial, or other proper purpose, by a physician, psychologist, sociologist, scientist, teacher, librarian, clergyman, prosecutor, judge, or other proper person.

(D) Whoever violates this section is guilty of disseminating matter harmful to juveniles. If the material or performance involved is harmful to juveniles but not obscene, violation of this section is a misdemeanor of the first degree. If the material or performance involved is obscene, violation of this section is a felony of the fourth degree.

2907.32 Pandering obscenity

(A) No person, with knowledge of the character of the material or performance involved, shall do any of the following:

(1) Create, reproduce, or publish any obscene material, when the offender knows that such material is to be used for commercial exploitation or will be publicly disseminated or displayed, or when he is reckless in that regard;

(2) Exhibit or advertise for sale or dissemination, or sell or publicly disseminate or display any obscene material;

(3) Create, direct, or produce an obscene performance, when the offender knows that it is to be used for commercial exploitation or will be publicly presented, or when he is reckless in that regard;

(4) Advertise an obscene performance for presentation, or present or participate in presenting an obscene performance, when such performance is presented publicly, or when admission is charged;

(5) Possess or control any obscene material

with purpose to violate division (A) (2) or (4) of this section.

(B) It is an affirmative defense to a charge under this section, that the material or performance involved was disseminated or presented for a bona fide medical, scientific, educational, religious, governmental, judicial, or other proper purpose, by or to a physician, psychologist, sociologist, scientist, teacher, person pursuing bona fide studies or research, librarian, clergyman, prosecutor, judge, or other person having a proper interest in such material or performance.

(C) Whoever violates this section is guilty of pandering obscenity, a misdemeanor of the first degree. If the offender has previously been convicted of a violation of this section or of section 2907.31 of the Revised Code, then pandering obscenity is a felony of the fourth degree.

2907.36 Declaratory judgment

(A) Without limitation on the persons otherwise entitled to bring an action for a declaratory judgment pursuant to sections 2721.01 to 2721.15 of the Revised Code, involving the same issue, the following persons have standing to bring such an action to determine whether particular materials or performances are obscene or harmful to juveniles:

(1) The chief legal officer of the jurisdiction in which there is reasonable cause to believe that section 2907.31 or 2907.32 of the Revised Code is being or is about to be violated;

(2) Any person who, pursuant to division (B) of section 2907.35 of the Revised Code, has received notice in writing from a chief legal officer stating that particular materials or performances are obscene or harmful to juveniles.

(B) Any party to an action for a declaratory judgment pursuant to division (A) of this section is entitled, upon his request, to trial on the merits within five days after joinder of the issues, and the court shall render judgment within five days after trial is concluded.

(C) An action for a declaratory judgment pursuant to division (A) of this section shall not be brought during the pendency of any civil action or criminal prosecution, when the character of the particular materials or performances involved is at issue in the pending case, and either of the following apply:

(1) Either of the parties to the action for a declaratory judgment is a party to the pending case;

(2) A judgment in the pending case will necessarily constitute res judicata as to the character of the materials or performances involved.

(D) A civil action or criminal prosecution in which the character of particular materials or performances is at issue, brought during the pendency of an action for a declaratory judgment involving the same issue, shall be stayed during the pendency of the action for a declaratory judgment.

(E) The fact that a violation of section 2907.31 or 2907.32 of the Revised Code occurs prior to a judicial determination of the character of the material or performance involved in the violation, does not relieve the offender of criminal liability for the violation, even though prosecution may be stayed pending the judicial determination.

2907.37 Injunction

(A) Where it appears that section 2907.31 or 2907.32 of the Revised Code is being or is about to be violated, the chief legal officer of the jurisdiction in which the violation is taking place or is about to take place may bring an action to enjoin the violation. The defendant, upon his request, is entitled to trial on the merits within five days after joinder of the issues, and the court shall render judgment within five days after trial is concluded.

(B) Premises used or occupied for repeated violations of section 2907.31 or 2907.32 of the Revised Code constitute a nuisance subject to abatement pursuant to sections 3767.01 to 3767.99 of the Revised Code.

OFFENSES AGAINST JUSTICE AND PUBLIC ADMINISTRATION

2921.42 Having an unlawful interest in a public contract

(A) No public official shall knowingly do any of the following:

(1) Authorize, or employ the authority or influence of his office to secure authorization of any public contract in which he, a member of his family, or any of his business associates has an interest;

(2) Authorize, or employ the authority or influence of his office to secure the investment of public funds in any share, bond, mortgage, or other security, with respect to which he, a member of his family, or any of his business associates either has an interest, is an under-

writer, or receives any brokerage, origination, or servicing fees;

(3) During his term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by him or by a legislative body, commission, or board of which he was a member at the time of authorization, and not let by competitive bidding, or let by competitive bidding in which his is not the lowest and best bid;

(4) Have an interest in the profits or benefits of a public contract entered into by or for the use of the political subdivision or governmental agency or instrumentality with which he is connected;

(5) Have an interest in the profits or benefits of a public contract which is not let by competitive bidding when required by law, and which involves more than one hundred fifty dollars.

(B) In the absence of bribery or a purpose to defraud, a public servant, member of his family, or any of his associates shall not be considered as having an interest in a public contract or the investment of public funds, when all of the following apply:

(1) The interest of such person is limited to owning or controlling shares of the corporation, or being a creditor of the corporation or other organization, which is the contractor on the public contract involved, or which is the issuer of the security in which public funds are invested;

(2) The shares owned or controlled by such person do not exceed five per cent of the outstanding shares of the corporation, and the amount due such person as creditor does not exceed five per cent of the total indebtedness of the corporation or other organization;

(3) Such person, prior to the time the public contract is entered into, files with the political subdivision or governmental agency or instrumentality involved, an affidavit giving his exact status in connection with the corporation or other organization.

(C) This section does not apply to a public contract in which a public servant, member of his family, or one of his business associates has an interest, when all of the following apply:

(1) The subject of the public contract is necessary supplies or services for the political subdivision or governmental agency or instrumentality involved;

(2) The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished to the political subdivision or governmental agency or instrumentality as part of a continuing course of dealing established prior to the public servant's becoming associated with the political subdivision or governmental agency or instrumentality involved;

(3) The treatment accorded the political subdivision or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted at arm's length, with full knowledge by the political subdivision or governmental agency or instrumentality involved, of the interest of the public servant, member of his family, or business associate, and the public servant takes no part in the deliberations or decision of the political subdivision or governmental agency or instrumentality with respect to the public contract.

(D) Whoever violates this section is guilty of having an unlawful interest in a public contract. Violation of division (A) (1) or (2) of this section is a felony of the fourth degree. Violation of division (A) (3), (4), or (5) of this section is a misdemeanor of the first degree.

(E) As used in this section, "public contract" means any of the following:

(1) The purchase or acquisition, or a contract for the purchase or acquisition of property or services by or for the use of the state or any of its political subdivisions, or any agency or instrumentality of either;

(2) A contract for the design, construction, alteration, repair, or maintenance of any public property.

BOARDS OF EDUCATION

3313.41 Sale of real or personal property

When a board of education decides to dispose of real or person property, held by it in its corporate capacity exceeding in value six hundred dollars, it shall sell such property at public auction, after giving at least thirty days' notice thereof by publication in a newspaper of general circulation, or by posting notices thereof in five of the most public places in the district in which such property is situated. When the board has twice so offered a tract of real estate for sale at public auction and it is not sold, the board may sell it at a private sale,

either as an entire tract or in parcels, as the board deems best.

If the board of education decides to dispose of such real property, it may sell and convey the same to any municipal corporation, county, township, tax supported, in whole or in part, university, college, university branch, or technical college, or board of trustees of the school district library in which such real estate is situated, upon such terms as are agreed upon.

When a board of education decides to trade as a part, or entire consideration, a motor vehicle on the purchase price of another motor vehicle, it may trade the same upon such terms as are agreed upon by the parties thereto.

The president and the clerk of the board of education shall execute and deliver deeds or other necessary instruments of conveyance to complete the sale or transfer provided for by this section.

1957 AGO 1020

3313.59 Cooperation with public officials

Boards of education of city, exempted village, or local school districts may co-operate with boards of county commissioners, boards, or other public officials having the custody and management of public parks, libraries, museums, and public buildings and grounds of whatever kind in providing for educational, social, civic and recreational activities, in buildings and upon grounds in the custody and under the management of such boards of county commissioners, boards, or other public officials.

Such cooperation may consist of the contribution of funds, equipment, or personnel, and the beneficiaries of same may be extended to include a corporation not for profit maintaining and operating a museum for the use and benefit of the general public and which is available to the pupils of such contributing school district.

3313.77 Use of schoolhouses and grounds for public meetings and entertainments

The board of education of any city, exempted village, or local school district shall, upon request and the payment of a reasonable fee, subject to such regulation as is adopted by such board, permit the use of any schoolhouse and rooms therein and the grounds and other property under its control, when not in actual use for school purposes, for any of the following purposes:

(A) Giving instructions in any branch of education, learning, or the arts;

(H) Holding educational, religious, civic, social, or recreational meetings and entertainments, and for such other purposes as promote the welfare of the community; provided such meetings and entertainments shall be nonexclusive and open to the general public;

(C) Public library purposes, as a station for a public library, or as reading rooms;

(D) Polling places, for holding elections and for the registration of voters, or for holding grange or similar meetings.

SCHOOLBOOKS

3329.05 Purchase of other books

Sections 3329.01 to 3329.04, inclusive, and section 3329.08 of the Revised Code do not apply to the purchase of supplementary reading books, library books, reference books, or any other books except textbooks, required by the board of education. All of such books except textbooks required by the board, shall be ordered, received, examined, and paid for in the same manner and by the same persons as other supplies and equipment.

CHAPTER 3375
EDUCATION — LIBRARIES

STATE LIBRARY

3375.01 State library board; powers and duties

A state library board is hereby created to be composed of five members to be appointed by the state board of education. One member shall be appointed each year for a term of five years. No one is eligible to membership on the state library board who is or has been for a year previous to his appointment a member of the state board of education. A member of the state library board shall not during his term of office be a member of the board of library trustees for any library in any subdivision in the state. Before entering on the duties of his appointment, each member shall subscribe to the official oath of office. All vacancies on the state library board shall be filled by the state board of education by appointment for the unexpired term. The members shall receive no compensation, but shall be paid their actual and necessary expenses incurred in the performance of their duties or in the conduct of authorized board business, within or without the state.

At its regular meeting next prior to the beginning of each fiscal biennium the state library board shall elect a president and vice-president each of whom shall serve for two years or until his successor is elected and qualified.

The state library board is responsible for the state library of Ohio and a statewide program of development and coordination of library services, and its powers include the following:

(A) Maintain the state library, holding custody of books, periodicals, pamphlets, films, recordings, papers, and other materials and equipment;

(B) Accept, receive, administer, and expend, in accordance with the terms thereof, any moneys, materials, or other aid granted, appropriated, or made available to it for library purposes, by the United States, or any of its agencies, or by any other source, public or private;

(C) Administer such funds as the general assembly may make available to it for the improvement of public library services, interlibrary cooperation, or for other library purposes;

(D) Contract with other agencies, organizations, libraries, library schools, boards of education, universities, public and private, within or without the state, for library services, facilities, research, or any allied or related purpose;

(E) Approve, disapprove, or modify resolutions for establishment of county district libraries and to determine the boundaries of such districts;

(F) Upon consolidation of two or more school districts, to define and adjust the boundaries of the new public library district resulting from such consolidation and to resolve any disputes or questions pertaining to the organization and operation of the new library district;

(G) Upon application of two or more boards of library trustees, to amend, define, and adjust the boundaries of the library districts making such application;

(H) Certify its actions relating to boundaries authorized in this section, to boards of election, taxing authorities, the boards of trustees of libraries affected and other appropriate bodies;

(I) Encourage and assist the efforts of libraries and local governments to develop mutual and cooperative solutions to library service problems;

(J) Recommend to the governor and to the general assembly such changes in the law as will strengthen and improve library services and operations;

(K) Adopt such rules and regulations as are necessary for the carrying out of any function imposed on it by law, and provide such regulations as are necessary for its government and the government of its employees. The board may delegate to the state librarian the management and administration of any function imposed on it by law.

1943 AGO 5842
1956 AGO 6359

3375.02 State librarian; duties; term

The state library board shall appoint a state librarian, who shall be the secretary of said board, and under the direction and supervision of the board shall be the executive officer of the state library, with power to appoint and remove the employees thereof. The state librarian shall:

(A) Administer the state library and execute the policies of the board in accordance with law;

(B) Provide technical assistance and maintain a clearing house of information, data, and other materials in the field of library service, furnishing advice and assistance to the public libraries in the various subdivisions of the state, other libraries, state, local and regional agencies, planning groups and other appropriate agencies and organizations;

(C) Collect, compile, and publish statistics and information concerning the operation of libraries in the state;

(D) Carry out continuing studies and analyses of library problems;

(E) Assist and cooperate with other state agencies and officials, with organizations, with local governments and with federal agencies in carrying out programs involving library service;

(F) Maintain a comprehensive collection of official documents and publications of this state and a library collection and reference service to meet the reference and information needs of officers, departments, agencies of state government, and other libraries;

(G) Issue official lists of publications of the state, and other bibliographical and informational publications as appropriate;

(H) Withdraw books and materials from the collection and determine method of disposition of any items no longer needed.

The state librarian shall hold office during the pleasure of the board.

1973 AGO 037

3375.04 Control and management of the library

The state library shall be under the control and management of the state library board. The board shall make and publish such rules and regulations for the operation and management of the library and for the use and location of the books and other property thereof as it deems necessary. The board may establish such divisions and departments within the library as it deems necessary, and shall determine the number of the employees therein.

1949 AGO 699

3375.05 Application for establishment of library stations, branches, or traveling library service

The board of trustees of any public library receiving local tax support which desires to render public library service by means of branches, library stations, or traveling library service to the inhabitants of any school district, other than a school district situated within the territorial boundaries of the subdivision or district over which said board has jurisdiction of free public library service, may make application to the state library board, upon forms provided by said board, for the establishment of such service. Said application shall set forth the total number of people being served by said library on the date of said application; an inventory of the books owned by said library; the number of branches, library stations, and traveling library service maintained by said library on the date of said application; the number and classification of the employees of said library and such other information as the state library board deems pertinent. Such application shall be accompanied by a financial statement of the library making the application covering the two fiscal years next preceding the date of said application. Upon receipt of said application by the state library board, the state librarian, or an employee of the state library board designated by such librarian, shall visit the library making the application for the purpose of determining whether or not the establishment of branches, library stations, or traveling library service as requested in said application will promote better library service in the district covered by said application. Upon the completion of such inspection, the librarian, or the person designated by the librarian to make such inspection, shall prepare a written report setting forth his recommendations pertaining to the establishment of the branches, stations, or traveling library service as set forth in the application. Such report shall be submitted to the state library board within ninety days after the receipt of such application by the state library board. Within thirty days after such report has been filed with the state library board, said board shall either approve or disapprove, in whole or in part, the establishment of branches, library stations, or traveling library service as requested in said application. The decision of the state library board shall be final. Within ten days after final action has been taken by the state library board, upon such application, the librarian shall notify in writing the board of trustees of the public library making such application of the decision of the state library board.

The state library board may withdraw its approval of library service rendered by any library to the inhabitants of a school district other than the school district in which the main library of such library is located. At least thirty days before the approval of such service may be withdrawn, the state library board shall give written notice to the board of trustees of the library rendering the service and the board of education of the school district to which such service is being rendered. Such notice shall set forth the reasons for the withdrawal of the approval of such service. If the board of trustees of the library rendering such service, or the board of education of a school district to which such service is being rendered, objects to the withdrawal of such approval it may, within twenty days of the receipt of such notice, request, in writing, the state library board to hold a hearing for the purpose of hearing protests to the withdrawal of such approval. Upon the receipt of such request, the state library board shall set the time and place of such hearing which shall be held within the territorial boundaries of the school district being served by the branch, station, or traveling library service whose continued operation is in question. Such hearing shall be held not

less than thirty days after the receipt by the state library board of the request for such hearing. The state library board shall take no action on the withdrawal of approval of such service until after the holding of such hearing. The decision of the state library board shall be final.

1951 AGO 931
1955 AGO 5670
1975 AGO 026

COUNTY FREE PUBLIC LIBRARY

3375.06 County free public library; appointment of trustees

In any county in which the board of county commissioners has accepted a gift or bequest, pursuant to volume 122, Ohio Laws, page 166, section 1 at "Sec. 2454," a county free public library shall be established for the use of all of the inhabitants of the county. Such library shall be under the control and management of a board of library trustees consisting of six members. Such trustees shall be qualified electors of the county and shall be appointed by the court of common pleas of the county in which such library is situated. Not more than three of the members of such board of library trustees shall be of the same political party. They shall serve for a term of six years. All vacancies on such board of library trustees shall be filled by such court by appointment for the unexpired term. The members of such board of library trustees shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties. The board of library trustees shall organize as provided by section 3375.32 of the Revised Code. Such board of library trustees shall have the control and management of the county free public library, and in the exercise of such control and management shall be governed by sections 3375.33 to 3375.41, inclusive, of the Revised Code. The section does not affect the term of any member of a board of library trustees of a county free public library appointed prior to September 4, 1947.

1960 AGO 1504
1960 AGO 1535
1962 AGO 2878
1970 AGO 162
1974 AGO 042

3375.07 Tax levy for maintenance of county free public library

The board of county commissioners of any county in which there has been created a county free public library, pursuant to section 3375.06 of the Revised Code, may, at its June session each year, levy a tax not to exceed one mill on each dollar of taxable property in such county for the purpose of maintaining the library. The proceeds of such tax levy shall be paid over by the county treasurer to the treasurer of the board of trustees of the county free public library.

3375.08 Board of county commissioners may transfer and lease property for library purposes

The board of county commissioners may, by resolution, transfer, convey, or lease any property of the county, real or personal, suitable for public library purposes, to the board of trustees of any free public library rendering free public library service to all the inhabitants of the county, upon such terms as are agreed upon between the board of county commissioners and the board of library trustees of the library rendering such service.

TOWNSHIP LIBRARY

3375.09 Tax levy by board of township trustees for maintenance of library

In any township where a public library has been created by a vote of the electors thereof, prior to September 4, 1947, the board of township trustees may, annually, levy upon all the taxable property of such township a tax not exceeding one mill on the dollar valuation thereof to maintain such library and to procure suitable rooms therefor.

1922 AGO 3232

3375.10 Control and management of township library; appointment of trustees

In any township in which there has been established by a vote of the electors of such township, prior to September 4, 1947, a free public library, such library shall be under the control and management of a board of trustees consisting of three members to be appointed by the board of township trustees. Such members shall be qualified electors of the township. All vacancies on such board of trustees shall be filled by the board of township trustees by appointment. The members of such board of trustees shall serve without compensation. Such board of trustees shall organize in accordance with section 3375.32 of the Revised Code and shall have the control and management of the township free public library. In the exercise of such control and management the board of

trustees shall be governed by sections 3375.33 to 3375.41, inclusive, of the Revised Code. This section does not affect the term of any member of a board of library trustees of a township free public library appointed prior to September 4, 1947.

1960 AGO 1504
1960 AGO 1535
1960 AGO 1552
1962 AGO 2878
1970 AGO 162

3375.11 Board of township trustees may transfer, convey, or lease property for library purposes

The board of township trustees may, by resolution, transfer, convey, or lease any property of the township, real or personal, suitable for public library purposes to the board of trustees of any free public library rendering free public library service to the inhabitants of the township, upon such terms as are agreed upon between the board of township trustees and the board of trustees of the library rendering such service.

MUNICIPAL FREE PUBLIC LIBRARY

3375.12 Erection, custody, and control of municipal free public libraries; appointment of trustees

Except as provided in section 3375.13 of the Revised Code, the erection and equipment and the custody, control, and administration of free public libraries established by municipal corporations shall be vested in a board of library trustees composed of six members, not more than three of whom shall belong to the same political party and not more than three of whom shall be women. Such trustees shall be appointed by the mayor, to serve without compensation, for a term of four years. In the first instance three of such trustees shall be appointed for a term of two years, and three for a term of four years. Vacancies shall be filled by like appointment for the unexpired term. Such board shall organize in accordance with section 3375.32 of the Revised Code. In the exercise of its control and management of the municipal free public library, except as provided in section 3375.13 of the Revised Code, such board shall be governed by sections 3375.33 to 3375.41, inclusive, of the Revised Code.

1924 AGO 2003
1927 AGO 038
1938 AGO 1972
1949 AGO 1291
1950 AGO 2326
1960 AGO 1504
1960 AGO 1535
1962 AGO 2878
1970 AGO 162

3375.121 Creation of municipal libraries

In any municipality, not located in a county library district, which has a population of not less than twenty-five thousand, as determined by the last federal decennial census, and within which there is not located a main library of a township, municipal, school district, association, or county free public library, there may be created by a resolution adopted by the municipal authority of such municipality a library district. Upon the adoption of such resolution, any branches of an existing library which are located in such municipality shall become the property of the municipal library district created.

The municipality and the board of trustees of the public library maintaining any existing branches in such municipality shall forthwith take appropriate action transferring all title and interest in all property, both real and personal, located in such municipality in the name of the library district maintaining such branches in such municipality to the municipality adopting the appropriate resolution. Upon transfer of such title and interest in such property they shall become a part of, and be operated by, the board of trustees appointed by the municipal authority.

The board of library trustees created under this section shall be composed of six members. Such trustees shall be appointed by the mayor, to serve without compensation, for a term of four years. In the first instance three of such trustees shall be appointed for a term of two years, and three for a term of four years. Vacancies shall be filled by like appointment for the unexpired term. A library district created under this section shall be governed in accordance with and exercise such authority as provided for in sections 3375.32 to 3375.41, inclusive, of the Revised Code.

The library district created under this section is eligible to participate in the proceeds of

the classified property tax in accordance with section 5705.28 of the Revised Code.

3375.13 Issuance of bonds; control of property vested in board of library trustees of municipal corporation; agreement with library organization

In any municipal corporation where there is a library organization created by will or otherwise for the purpose of maintaining in perpetuity a public library, and such organization is endowed and owns and maintains a library, the board of library trustees mentioned in section 3375.12 of the Revised Code may request the taxing authority of the municipal corporation to submit to the electors the question of issuing bonds, in accordance with section 3375.43 of the Revised Code for the purpose of purchasing, erecting, constructing, enlarging, extending, or improving a building for library purposes, including a site therefor, and equipping and furnishing the same. The acquisition of such improvement, including the maintenance and control of the building and property acquired, shall be vested in such board. Such board may enter into an agreement in writing with such library organization whereby said library organization may occupy all or a part of such building, and conduct, operate, and maintain therein a free public library, the period of each such agreement to be not less than ten nor more than twenty-five years. Such library organization shall administer, operate, and control such library in accordance with said agreement and in terms of the trust creating such organization, providing such library is free to all the inhabitants of the municipal corporation. Such board may enter into a similar agreement with any historical or other educational association whereby a part of said building may be used by such organization for the housing and displaying of its property and effects, providing the same is free to all the inhabitants of the municipal corporation.

1933 AGO 832

SCHOOL LIBRARIES

3375.14 School libraries

The board of education of any city, exempted village, or local school district may provide for the establishment, control, and maintenance of school libraries for the purpose of providing school library service to the pupils under its jurisdiction. Such board of education may contract with any public board, association, or other organization operating a public library in a community to furnish such school library service, the board of education paying all or such part of the expense thereof, including the salaries of school librarians, as compensation for the service rendered, as the two boards shall agree upon as terms of the contract, provided that nothing in this section shall prevent such public board, association, or other organization operating a public library from providing classroom collections, operating bookmobiles, branches, or the main library of a public library, notwithstanding the fact that such branches or main library may be located within a school building.

Such board of education may purchase, erect, construct, enlarge, extend, or improve buildings for library purposes, including sites therefor, and equip and furnish such buildings.

1922 AGO 3016
1939 AGO 993
1959 AGO 119
1962 AGO 2878
1964 AGO 1291
1962 Informal Opinion 430
1963 Informal Opinion 040

See also Supreme Court decision 1958

3375.15 School district public library; trustees

In any school district in which a free public library has been established, by resolution adopted by the board of education of such school district, prior to September 4, 1947, such library shall be under the control and management of a board of library trustees consisting of seven members. No one is eligible to membership on such board of library trustees who is or has been for a year previous to his appointment a member of a board of education making such appointment. A majority of such trustees shall be qualified electors of the school district, but a minority may be qualified electors of the county who reside outside the school district, and all shall be appointed by the board of education of the school district. Such trustees shall serve for a term of seven years and without compensation. All vacancies on such board of library trustees shall be filled by the board of education by appointment for the unexpired term. Such board of library trustees shall organize in accordance with section 3375.32 of the Revised Code. Such board of library trustees shall have the control and management of the school district free public library and in the

exercise of such control and management shall be governed by sections 3375.33 to 3375.41, inclusive, of the Revised Code. This section does not affect the term of any member of a board of library trustees of a school district free public library appointed prior to September 4, 1947.

1951 AGO 931
1957 AGO 1245
1959 AGO 119
1959 AGO 999
1960 AGO 1504
1960 AGO 1535
1962 AGO 3339
1964 AGO 1300
1965 AGO 119
1969 AGO 102
1970 AGO 162
1975 AGO 026

3375.16 Board of education may transfer, convey, or lease property for library purposes

The board of education of any school district may, by resolution, transfer, convey, or lease any property of the school district, real or personal, suitable for public library purposes to the board of trustees of any free public library rendering free public library service to the inhabitants of the school district, upon such terms as are agreed upon between the board of education and the board of trustees of the library rendering such service.

1957 AGO 1020

3375.17 Tax levy by board of education for library purposes

The board of library trustees of a school district free public library may annually, during the month of May, certify to the board of education of the school district the amount of money required to maintain and operate said library during the ensuing year and the amount of revenue anticipated from all sources other than a tax levy on the taxable property of said school district. The board of education may annually levy a tax on the taxable property of the school district, not to exceed one and one-half mills, for the purposes of providing funds for library operation pursuant to said certification. The tax so levied shall be in addition to all other levies authorized by law.

The proceeds of such tax levy shall be paid by the county treasurer to the treasurer of the board of library trustees.

1947 AGO 2148
1967 Informal Opinion 023

3375.18 Board of education may provide building for library service

The board of education of any city, exempted village, or local school district may purchase, erect, construct, enlarge, improve, equip, and furnish buildings, and acquire real estate and interests in real estate therefor, for the purpose of rendering free library service to the inhabitants of said school district, which library facilities shall be operated by the board of library trustees of such school district if a free public library was established by the board of education of such school district prior to September 4, 1947, or otherwise may be operated, under conveyance, lease, or otherwise, by the board of trustees of any free public library, library association, or corporation upon such terms as they may agree upon, provided, that the board of education of the school district finds and determines that such operation by such board of trustees will be beneficial to the school district and the residents thereof.

COUNTY LIBRARY DISTRICT

3375.19 Creation of county library district initiated by board of county commissioners; submission to electors

In each county there may be created a county library district composed of all the local, exempted village, and city school districts in the county which are not within the territorial boundaries of an existing township, school district, municipal, county district, or county free public library, by one of the following methods:

(A) The board of county commissioners may initiate the creation of such a county library district by adopting a resolution providing for the submission of the question of creating a county library district to the electors of such proposed district. Such resolution shall define the territory to be included in such district by listing the school districts which will compose the proposed county library district.

(B) The board of county commissioners shall, upon receipt of a petition signed by no less than ten percent, or five hundred, whichever is the lesser, of the qualified electors of the proposed county library district voting at the last general election, adopt a resolution providing for the submission of the question of creating a county library district to the electors of the proposed district. Such resolution

shall define the territory to be included in such district by listing the school districts which will compose the proposed county library district.

Upon adoption of such a resolution authorized in either division (A) or (B) of this section the board of county commissioners shall cause a certified copy of it to be filed with the board of elections of the county prior to the fifteenth day of September. The board of elections shall submit the question of the creation of such county library district to the electors of the territory comprising such proposed district at the succeeding November election.

If a majority of the electors, voting on the question of creating such proposed district, vote in the affirmative such district shall be created.

1933 AGO 1509
1953 AGO 2994
1961 AGO 2038
1964 AGO 1291

3375.20 Resolution by boards of library trustees requesting formation of county library district

In any county in which there is not in existence a county library district and in which all of the local, exempted village, and city school districts in the county, in which there is not located a main library of a township, municipal, school district, association, or county free public library, are receiving approved service from one or more of such libraries, there may be created a county library district.

The boards of trustees of the library or libraries providing approved library service to the school districts in the county in which there is not located a main library of a township, municipal, school district, or county free public library may adopt a resolution requesting the formation of a county library district composed of all of the school districts being served by such library or libraries. Such resolution or resolutions shall set forth the school districts to be included in the proposed county library district and it shall be submitted to the taxing authority of the subdivision or subdivisions having jurisdiction over the library or libraries requesting the formation of such proposed library district.

Within thirty days after the receipt of such resolution by the taxing authority of a subdivision it shall either approve or disapprove the formation of the proposed county library district as set forth in said resolution. Within ten days after a taxing authority has either approved or disapproved the formation of a proposed county library district it shall notify the board of county commissioners of the county in which such proposed library is to be situated of its action.

If all of the taxing authorities to which such proposal has been submitted approve of the creation of such county library district, such district is created and the board of county commissioners shall immediately notify the boards of library trustees initiating such proposed county library district and the taxing authorities which approve the formation of such county library district that such county library district has been created.

Upon receipt of such notice from the board of county commissioners the boards of library trustees initiating such proposed county library district and the taxing authorities which approve the creation of such county library district shall take appropriate action transferring all title to the interest in all property, both real and personal, in the name of the public libraries under their jurisdiction to the board of trustees of the county library district.

For the purposes of this section the board of county commissioners is the taxing authority of an association library.

1951 AGO 931
1961 AGO 2038
1975 AGO 026

3375.201 Resolution for creation of county district library; submission to electors

The taxing authority of a subdivision maintaining a free public library which is providing approved library service and whose board of library trustees therefore is qualified under section 3375.20 of the Revised Code to request the formation of a county library district shall, upon receipt of a petition signed by not less than ten percent, or five hundred, whichever is the lesser, of the qualified electors of the subdivision voting at the last general election, adopt a resolution providing for the submission of the question, "Shall the free public library of the subdivision become a county district library?". The taxing authority shall cause a certified copy of it to be filed with the board of elections of the county prior to the fifteenth day of September. The board of elec-

tions shall submit the question of the creation of such county district library to the electors of the subdivision maintaining said free public library at the succeeding November election.

If a majority of the electors, voting on the question of creating such county district library, vote in the affirmative, the board of trustees of the library and the taxing authority of the subdivision shall establish a county library district in the manner prescribed in section 3375.20 of the Revised Code, by adopting and approving the resolutions so authorized.

3375.21 Resolution for inclusion in county library district

In any county in which there has been created a county library district, the taxing authority of any subdivision of the county not included in said library district and maintaining a free public library for the inhabitants thereof may, upon request of the board of trustees of said free public library, adopt a resolution providing for the inclusion of said subdivision in said library district. Upon the adoption of such a resolution, the taxing authority of the subdivision and the board of trustees of the free public library shall take appropriate action transferring all title and interest in all property, both real and personal, in the name of said free public library to the board of trustees of the county library district. Upon the transfer of such title and interest in such property said subdivision shall become part of the county library district.

3375.211 Resolution for inclusion of subdivision; submission to electors

The taxing authority of any subdivision maintaining a free public library for the inhabitants thereof and whose board of library trustees is qualified under section 3375.21 of the Revised Code to request inclusion of the subdivision in a county library district shall, upon receipt of a petition signed by not less than ten percent, or five hundred, whichever is the lesser, of the qualified electors of the subdivision voting at the last general election, adopt a resolution providing for the submission of the question of the inclusion of said subdivision in such county library district to the electors of the subdivision.

The taxing authority shall cause a certified copy of the resolution to be filed with the board of elections of the county prior to the fifteenth day of September. The board of elections shall submit the question of the inclusion of said subdivision in such county library district to the electors of the subdivision at the succeeding November election.

If a majority of the electors, voting on the question of including said subdivision in such county library district, vote in the affirmative, the taxing authority of the subdivision and the board of trustees of the free public library shall include the subdivision in the county library district in the manner prescribed in section 3375.20 of the Revised Code by adopting and approving the resolutions so authorized.

3375.212 Consolidation; adoption of resolutions; submission to electors; duties of boards of library trustees

The board of public library trustees of a county library district, appointed under section 3375.22 of the Revised Code, may consolidate with another subdivision in the county maintaining a free public library. Such consolidation may be accomplished by one of the following procedures:

(A) The board of public library trustees of the county library district may submit a resolution to the board of library trustees of such subdivision requesting such consolidation. The library trustees of the subdivision within thirty days of receipt of the resolution shall approve or reject such resolution; and, if approved shall forward the resolution together with a certification of its action to the taxing authority of said subdivision. Said taxing authority within thirty days of receipt of such resolution and certification shall approve or reject it and so notify the board of library trustees of the county district library and the board of county commissioners.

(B) Upon receipt of such resolution, under division (A) of this section the board of library trustees of the subdivision may request the taxing authority of the subdivision to adopt a resolution providing for the submission of the question of consolidation to the electors of the subdivision.

The taxing authority in turn shall adopt such a resolution and shall cause a certified copy of the resolution to be filed with the board of elections of the county prior to the fifteenth day of September. The board of elections shall submit the question to the electors of the sub-

division at the succeeding November election.

(C) The board of county commissioners and the taxing authority of the subdivision, upon receipt of petitions signed by not less than ten per cent, or five hundred, whichever is the lesser, of the qualified electors in the county library district and not less than ten per cent, or five hundred, whichever is the lesser, of the qualified electors of the subdivision, voting at the last general election, shall adopt resolutions providing for the submission of the question of consolidation to the electors of the county library district and of the subdivision.

Each taxing authority in turn shall cause a certified copy of its resolution to be filed with the board of elections of the county prior to the fifteenth day of September. The board of elections shall submit the question of the consolidation of the county library district and the subdivision to the electors of the county library district and of the subdivision at the succeeding November election.

If under division (A) of this section the board of library trustees and the taxing authority of said subdivision approve the request for consolidation, or if under division (B) of this section a majority of the electors of the subdivision vote in favor of the consolidation, or if under division (C) of this section a majority of the electors of the county library district and a majority of the electors of the subdivisions vote in favor of the consolidation, such consolidation shall take place. The taxing authority of the subdivision or the board of elections, whichever the case may be, shall notify the county commissioners and the respective library boards.

The board of library trustees of the county library district, the board of library trustees of the subdivision and their respective taxing authorities shall take appropriate action during the succeeding December, transferring all title and interest in all property, both real and personal, held in the names of said library boards to the board of trustees of the consolidated county library district, effective the second Monday of the succeeding January.

The board of library trustees of the county library district and the board of library trustees of the subdivision shall meet jointly on the second Monday of the succeeding January.

Acting as a board of the whole, the two boards shall become the interim board of library trustees of the consolidated county library district whose terms shall expire the second Monday of the second January succeeding the election at which the consolidation was approved. The board shall organize itself under section 3375.32 of the Revised Code and shall have the same powers, rights, and limitations in law as does a board of library trustees appointed under section 3375.22 of the Revised Code. In the event of a vacancy on the interim board the appointment shall be made by the same taxing authority which appointed the trustee whose place had become vacant and shall be only for the period in which the interim board is in existence.

At least thirty days prior to the second Monday of the second January succeeding the election at which the consolidation was approved, the board shall request the county commissioners and the judges of the court of common pleas to appoint a regular board of library trustees of seven members under the provisions of section 3375.22 of the Revised Code. The terms of said trustees shall commence on the second Monday of the January last referred to above. The control and management of such consolidated county library district shall continue to be under section 3375.22 of the Revised Code.

For the purposes of this section, whenever a county library district is consolidated with a subdivision other than a school district, the area comprising the school district in which the main library of said subdivision is located shall become a part of the county library district.

3375.213 Transfer of assets and liabilities to new or enlarged county library district; tax levies

Whenever a county library district has been created, or enlarged, under sections 3375.20, 3375.201, 3375.21, 3375.211, or 3375.212 of the Revised Code, all assets and liabilities of the former board of trustees of the library or libraries of the subdivisions which comprise said county library district shall become those of the county library district.

Any levies which the taxing authorities of such subdivision or of the former county library district have been authorized by the electors of the subdivision or of the former county library district to make for the payment of current expenses, interest, and retirement of bonds, or any other indebtedness of

said boards of trustees shall thereafter be made upon the taxable property of all of the new or enlarged county library district and at such lesser rate as is necessary for the payment of such expenses, bonds, or indebtedness.

3375.22 Control and management of library in county library district; appointment of trustees

In any county in which there has been created a county library district, the free public library of said district shall be under the control and management of a board of library trustees consisting of seven members. Such trustees shall be qualified electors of the library district or county. Three shall be appointed by the judges of the court of common pleas and four shall be appointed by the board of county commissioners of the county in which said district is situated. The term of office of said trustees shall be seven years, except that at the first appointment the terms of those appointed by the judges shall expire in two, four, and six years respectively, and the terms of those appointed by the board of county commissioners shall expire in one, three, five, and seven years respectively. Any appointment made to fill a vacancy shall be made by the same body which appointed the trustee whose place has become vacant and shall be for his unexpired term. The successor of any trustee of any county library district shall be appointed by the same board or officers which appointed his predecessor and all subsequent appointments shall be for seven years. The members of such board of library trustees shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties. Such board of library trustees shall organize in accordance with section 3375.32 of the Revised Code. Such board of library trustees shall have the control and management of the county district free public library and in the exercise of such control and management shall be governed by sections 3375.33 to 3375.41, inclusive, of the Revised Code.

1960 AGO 1504
1960 AGO 1535
1970 AGO 162

3375.23 Tax levy by board of county commissioners for county library district

The board of library trustees of a county library district may annually, during the month of May, certify to the board of county commissioners of the county in which such district is situated the amount of money required to maintain and operate the free public library during the ensuing year and the amount of revenue anticipated from all sources other than a tax levy on the taxable property of said district. The board of county commissioners may annually levy a tax on the taxable property of the district not to exceed one mill for the purpose of providing funds for library operation pursuant to said certification. The tax so levied shall be in addition to all other levies authorized by law.

3375.24 Issuance of notes and bonds for county library district; sale of land or buildings; title of property

The board of county commissioners of any county which has a county library district constitutes the taxing authority of such district and may issue notes and bonds of such district under sections 133.01 to 133.65, inclusive, of the Revised Code, for the acquisition of land and the construction of buildings and equipment of one or more buildings, but no notes or bonds shall be issued for such purpose except in accordance with the vote of the electors of such district. The proceeds of the sale of any former site, including land or buildings, or both, belonging to said district, may be applied to reduce the amount of the bonds ultimately issued to refund the notes issued under such section. All funds provided by the issue of county bonds or notes, or in any other manner, for the acquisition of property and the construction and equipment of library buildings shall be deposited in a special library fund, which shall be expended only on the order of the board of library trustees of the county library district, to be handled and disbursed in the same manner as other funds of the district. The title of all property so acquired shall be held by the board of library trustees of the county library district, and section 307.03 of the Revised Code shall not apply.

The title of all property acquired for use of the county library district which was held in the name of the county under former section 3375.26 of the Revised Code shall be held in the name of the board of library trustees of the county district library.

1972 AGO 051

3375.27 Board of library trustees of a county library district may contract with other libraries

The board of library trustees of a county library district may contract with the governing bodies of one or more libraries within the county, or within any contiguous county, and such governing bodies may enter into a contract for the free use of such libraries by the people of the county library district. If the board contracts for library service with more than one library, the county library district may be divided for such service. Such contract shall contain such provisions as shall best subserve the purpose of giving the people of the county library district the advantages of efficient library service. The board may contract to furnish library service to other county library districts, and the boards of such other county library districts may enter into such contract. The board of library trustees may contract with boards of education of school districts within its territory to provide school library service, the boards of education paying all or part of the expense thereof.

Contracts as provided in this section may be terminated by mutual agreement, or by either of the two contracting parties on giving six months' notice before the day upon which taxes upon real estate become a lien.

1974 AGO 042

REGIONAL LIBRARY DISTRICT

3375.28 Creation of regional library district

The board of county commissioners of two or more contiguous counties may by joint resolution create a regional library district and may provide for the establishment, control, and maintenance in such district of a free public library.

Such district shall contain the territory of all school districts of such counties outside the territorial boundaries of a subdivision or district maintaining a free public library, including the territory of any such subdivision or district maintaining a free public library and petitioning to become a part of such regional library district pursuant to section 3375.29 of the Revised Code.

3375.29 Resolution by taxing authority for inclusion in regional library district; transfer of title

In any county comprising a part of a regional library district or in any county contiguous to such a county in which there has been created a regional library district, the taxing authority of any subdivision of the county, not included in said district and maintaining a free public library for the inhabitants thereof, may, upon request of the board of trustees of said free public library, adopt a resolution providing for the inclusion of said subdivision in the regional library district. Upon the adoption of such a resolution, the taxing authority and the board of trustees of the free public library shall take appropriate action transferring all title and interest in all property, both real and personal, in the name of said free public library to the board of library trustees of the regional library district. Upon the transfer of such title and interest in such property said subdivision shall become part of the regional library district.

3375.30 Appointment, term, and compensation of board of library trustees of a regional library district

In any two or more contiguous counties in which there has been created a regional library district, there shall be a board of library trustees consisting of seven members. Such trustees shall be qualified electors of the district. The first appointments to such board of library trustees shall be made by the boards of county commissioners of such counties in joint meeting. Thereafter each appointment to fill an expiring term shall be made by the board of county commissioners of a participating county in the rotating order represented by the alphabetical arrangement of the names of the counties. The term of office of said trustees shall be seven years, except that at the first appointment the terms must be such that one member retires each year. Any appointment made to fill a vacancy shall be made by the same body which appointed the trustee whose place has become vacant and shall be for his unexpired term. The members of such board of library trustees shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties. Such board of library trustees shall organize in accordance with section 3375.32 of the Revised Code. Such board of library trustees shall have the control and management of the regional district free public library and in exercise of such control and management shall be governed by sections

3375.33 to 3375.41, inclusive, and section 3375.19 of the Revised Code.

1960 AGO 1504
1970 AGO 162

3375.31 Tax levy by board of county commissioners for regional library district

The board of library trustees of a regional library district may annually, during the month of May, certify to the boards of county commissioners of counties in such district the amount of revenue anticipated from all sources other than a tax levy on the taxable property of such district. The boards of county commissioners may annually levy a tax on the taxable property of such district situated within their respective counties, not to exceed one mill, for the purpose of providing funds for library operation pursuant to said certification.

3375.32 Meeting of boards of library trustees; organization; election of clerk; bond

Each board of library trustees appointed pursuant to sections 3375.06, 3375.10, 3375.12, 3375.15, 3375.22 and 3375.30, of the Revised Code shall meet in January of each year and organize by selecting from its membership a president, a vice-president, and a secretary who shall serve for a term of one year. At the same meeting each board shall elect and fix the compensation of a clerk, who may be a member of the board, and who shall serve for a term of one year. The clerk, before entering upon his duties, shall execute a bond in an amount and with surety to be approved by the board, payable to the board, and conditioned for the faithful performance of the official duties required of him.

1947 AGO 2549
1959 AGO 999
1969 AGO 102

3375.33 Boards of library trustees are bodies politic and corporate

The boards of library trustees appointed pursuant to sections 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, and 3375.30 of the Revised Code are bodies politic and corporate, and as such are capable of suing and being sued, contracting, acquiring, holding, possessing, and disposing of real and personal property, and of exercising such other powers and privileges as are conferred upon them by law.

1950 AGO 2329
1960 AGO 1252
1960 AGO 1504
1960 AGO 1535
1961 AGO 2038
1962 AGO 3339
1970 AGO 162
1972 AGO 051
1962 Informal Opinion 430
1963 Informal Opinion 040
1963 Informal Opinion 078

3375.34 Name of boards of library trustees

The name of each board of trustees of a free public library, appointed pursuant to sections 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, and 3375.30 of the Revised Code, under which it may acquire or convey property, contract, sue or be sued, or perform any other official act shall be ..... public library. The blank shall be filled in with the name of the subdivision which created the library or with any other name the board designates.

3375.35 Rules of procedure; annual report

Each board of library trustees appointed pursuant to sections 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, and 3375.30 of the Revised Code shall, in the exercise of the powers conferred upon it, be governed by this section. For the purpose of transacting any business a quorum is a majority of the full membership of the board. The purchase of any real property requires a two-thirds vote of the full membership of the board making such purchase. All conveyances of real property shall be executed by the president and the secretary of the board making such conveyance. No moneys credited to a free public library shall be paid out except on a check signed by the clerk of the board having jurisdiction over said moneys and the president, vice-president, or secretary of said board. Each board of library trustees shall, at the end of each fiscal year, transmit on forms provided by the state library board to the state librarian and officer or board which appointed said board of library trustees a report of the activities of said board of library trustees during said year. Such report shall include a complete financial statement showing the receipts and expenditures in detail of all library funds for the entire fiscal year made by such board of library trustees. No member of a board of library trustees shall have any pecuniary interest in any contract entered into by such board.

3375.36 Treasurer of library funds; deposit of moneys; monthly statement; financial statement

The clerk of the board of library trustees of a free public library shall be the treasurer of the library funds. All moneys received by such clerk for library purposes shall be immediately placed by him in a depository designated by the board. Such clerk shall keep an account of the funds credited to said board upon such forms as are prescribed and approved by the bureau of inspection and supervision of public offices. Such clerk shall render a statement to the board monthly showing the revenues and receipts from whatever sources derived, the disbursements and the purposes of such disbursements, and the assets and liabilities of the board. At the end of each fiscal year the clerk shall submit to the board a complete financial statement showing the receipts and expenditures in detail for the entire fiscal year. The board of library trustees of a free public library may appoint a deputy clerk, for a term of one year, and may authorize such deputy to receive and disburse library funds. Such deputy, before entering upon his duties, shall execute a bond in an amount and with surety to be approved by the board, payable to the board, and conditioned for the faithful performance of the official duties required of him.

1947 AGO 2549
1951 AGO 150
1952 AGO 3052
1960 AGO 1537

3375.37 Statement filed with county auditor

Before giving the clerk of a board of library trustees of a free public library a warrant for funds due such board, the county auditor shall require the clerk to file with him a statement showing the amount of funds on hand, available for expenditure by said board, according to the books of the clerk and the books of the depository designated by the board. Such statement shall be in such form as is prescribed by the bureau of inspection and supervision of public offices, shall indicate that the clerk's books are in exact balance with the depository accounts, and shall be certified to by the clerk and proper officer of the depository.

3375.38 Compliance with duties relating to moneys credited to board of library trustees

All the duties required of the county auditor, county treasurer, or other officer or person relating to the moneys to the credit of or to be credited to a board of library trustees of a free public library shall be complied with by dealing with the clerk of such board.

3375.39 Accounting by clerk; count and certificate

At the expiration of the term of a clerk of a board of library trustees of a free public library or before such board approves the surety of any clerk, such board shall require the clerk to produce all money, bonds, or other securities in his hands, which then must be counted by the board, or a committee of the board, or by a representative of the bureau of inspection and supervision of public offices. A certificate setting forth the exact amount of such money, bonds, or other securities and signed by the representatives making such count shall be entered upon the records of the board and shall be prima-facie evidence that the amount stated in such certificate is actually in the treasury at that date.

BOARD OF LIBRARY TRUSTEES

3375.40 Powers of boards of library trustees

Each board of library trustees appointed pursuant to sections 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, and 3375.30 of the Revised Code may:

(A) Hold title to and have the custody of all property both real and personal of the free public library under its jurisdiction;

(B) Expend for library purposes, and in the exercise of the power enumerated in this section, all moneys, whether derived from unclassified property taxes or otherwise, credited to the free public library under its jurisdiction and generally do all things it deems necessary for the establishment, maintenance, and improvement of the public library under its jurisdiction;

(C) Purchase or lease buildings or parts of buildings and other real property and purchase automobiles and other personal property necessary for the proper maintenance and operation of the free public libraries under its jurisdiction and pay the purchase price therefor in installments or otherwise;

(D) Purchase, lease, lease with an option to purchase, or erect buildings or parts of buildings to be used as main libraries, branch

libraries, or library stations pursuant to section 3375.41 of the Revised Code;

(E) Establish and maintain a main library, branches, library stations, and traveling library service within the territorial boundaries of the subdivision or district over which it has jurisdiction of public library service;

(F) Establish and maintain branches, library stations, and traveling library service in any school district, outside the territorial boundaries of the subdivision or district over which it has jurisdiction of free public library service upon application to and approval of the state library board, pursuant to section 3375.05 of the Revised Code; provided the board of trustees of any free public library maintaining branches, stations, or traveling-book service, outside the territorial boundaries of the subdivision or district over which it has jurisdiction of public library service, on September 4, 1947, may continue to maintain and operate such branches, stations, and traveling library service without the approval of the state library board;

(G) Appoint and fix the compensation of all of the employees of the free public library under its jurisdiction;

(H) Make and publish rules and regulations for the proper operation and management of the free public library under its jurisdiction;

(I) Establish and maintain a museum in connection with and as an adjunct to the free public library under its jurisdiction;

(J) By the adoption of a resolution accept any bequest, gift, or endowment upon the conditions connected with such bequest, gift, or endowment; provided no such bequest, gift, or endowment shall be accepted by such board if the conditions thereof remove any portion of the free public library under its jurisdiction from the control of such board or if such conditions, in any manner, limit the free use of such library or any part thereof by the residents of the counties in which such library is located;

(K) At the end of any fiscal year by a two-thirds vote of its full membership set aside any unencumbered surplus remaining in the general fund of the library under its jurisdiction for the purpose of creating a special building and repair fund;

(L) Procure and pay all or part of the cost of group life, hospitalization, surgical, or major medical insurance, or a combination of any of the foregoing types of insurance or coverage, whether issued by an insurance company, hospital service association, or nonprofit medical care corporation duly licensed by the state, covering its employees and in the case of hospitalization, surgical, and major medical insurance, also covering the dependents and spouses of such employees. With respect to life insurance, coverage for any employee shall not exceed the sum of ten thousand dollars, exclusive of any double indemnity clause which is a part of the policy.

1948 AGO 4122
1950 AGO 2077
1951 AGO 150
1953 AGO 2485
1953 AGO 3052
1959 AGO 119
1960 AGO 1504
1960 AGO 1537
1960 AGO 1552
1961 AGO 2705
1962 AGO 3339
1967 AGO 100
1969 AGO 102
1971 AGO 055
1972 AGO 051
1973 AGO 058
1974 AGO 042
1974 AGO 051
1962 Informal Opinion 430
1963 Informal Opinion 040
1963 Informal Opinion 078
1965 Informal Opinion 029
See also Appeals Court decision 1951

3375.401 Authority to purchase liability insurance

Each board of library trustees appointed pursuant to sections 1713.28, 3375.06, 3375.10, 3375.12, 3375.15, and 3375.22 of the Revised Code may procure policies of insurance insuring officers and employees of the library against liability on account of damage or injury to persons and property, including liability on account of death by wrongful act, occasioned by the operation of a motor vehicle owned or operated by said library. Whenever the board deems it necessary to procure such insurance, it shall adopt a resolution setting forth the necessity thereof, together with a statement of the estimated premium cost, and upon the adoption of the resolution the board may pur-

chase such insurance. Premium for such insurance shall be paid from the current expense fund of the library. The amount of liability insurance carried on any motor vehicle operated by said public library may be distributed among more than one insurance company.

1960 AGO 1252
1960 AGO 1535

3375.402 Authority to establish museums

A library board may contract with a corporation not for profit organized to establish a museum for the use of the general public and located within the territory served by the library, to turn over to such corporation the museum physical assets of the library under such terms and conditions as the library board may deem proper. Such board may also loan books, periodicals, and similar matter belonging to the library to such corporation for use in its museum, and such library board may include in its annual budget a sum not to exceed fifteen thousand dollars, which sum it may pay to such corporation for the maintenance of such museum.

3375.41 Procedure for bidding and letting of contracts over five thousand dollars

When a board of library trustees appointed pursuant to sections 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, and 3375.30 of the Revised Code determines to build, repair, or enlarge a library or make any improvements or repairs, the cost of which will exceed five thousand dollars, except in cases of urgent necessity or for the security and protection of library property, it must proceed as follows:

(A) The board shall advertise for a period of four weeks for bids in some newspaper of general circulation in the district and if there are two such papers, the board shall advertise in both of them. If no newspaper has a general circulation in the district, the board shall advertise by posting such advertisement in three public places therein. Such advertisement shall be entered in full by the clerk on the record of proceedings of the board.

(B) The sealed bids must be filed with the clerk by twelve noon of the last day stated in the advertisement.

(C) The bids shall be opened at the next meeting of the board, shall be publicly read by the clerk, and shall be entered in full on the records of the board; provided, that the board may by resolution provide for the public opening and reading of such bids by the clerk, immediately after the time for filing such bids has expired, at the usual place of meeting of the board, and for the tabulation of such bids and a report of such tabulation to the board at its next meeting.

(D) Each bid must contain the name of every person interested therein, and shall be accompanied by a bid bond or by a certified check upon a solvent bank, as the board requires, payable to the order of the board, in an amount to be fixed by the board or by an officer designated for such purpose by it. Such bond or check shall be in no case less than five percent of the amount of the bid and conditioned that if the bid is accepted a contract will be entered into and the performance of it properly secured.

(E) When both labor and materials are embraced in the work bid for, the board may require that each be separately stated in the bid, with the price thereof, or may require that bids be submitted without such separation.

(F) None but the lowest responsible bid shall be accepted. The board may reject all the bids or accept any bid for both labor and material for such improvement or repair which is the lowest in the aggregate.

(G) The contract must be between the board and the bidders. The board shall pay the contract price for the work in cash at the times and in the amounts as provided by sections 153.46, 153.47, and 153.48 of the Revised Code.

(H) When two or more bids are equal, in whole or in part, and are lower than any others, either may be accepted, but in no case shall the work be divided between such bidders.

(I) When there is reason to believe there is collusion or combination among the bidders, the bids of those concerned in such collusion or combination shall be rejected.

1970 AGO 162
1972 AGO 051

3375.411 Library-operated retirement systems

A board of library trustees of a free public library, appointed pursuant to the provisions of sections 3375.06, 3375.08, 3375.12, 3375.15, and 3375.22 of the Revised Code, which has not less than seventy-five full-time employees, and which, prior to September 16, 1943, was providing for retirement of the employees of

such library with annuities, insurance, or other provisions, under authority granted by former section 7889 of the General Code, may provide such retirement, insurance, or other provisions in the same manner authorized by former section 7889 of the General Code, as follows: the library board of such library which has appropriated and paid the board's portion provided in such system or plan, may continue to appropriate and pay the board's portion provided in such system or plan out of the funds received to the credit of such board by taxation or otherwise. Each employee of such library who is to be included in a system of retirement shall contribute to the retirement fund not less than four per cent per annum of his salary from the time of his eligibility to join the retirement system to the time of his retirement. If a group insurance plan is installed by any library, not less than fifty percent of the cost of such insurance shall be borne by the employees included in such plan.

Provided, any employee whose employment by said library began on or after September 16, 1943, may exempt himself from inclusion in such retirement system, or withdraw from such retirement system. Upon such exemption or withdrawal, such person shall become a member of the public employees retirement system in accordance with sections 145.02, 145.03, and 145.28 of the Revised Code, respectively. All employees appointed for the first time on and after January 1, 1956 shall, for retirement purposes, be eligible only for membership in the public employees retirement system as provided in sections 145.01 to 145.57, inclusive, of the Revised Code.

A library board which provides for the retirement of its employees with annuities, insurance, or other provisions under the authority granted by this section may, pursuant to a board resolution adopted within thirty days after the effective date of this section, terminate such retirement plan. Upon the effective date of such termination, which is specified in the resolution, each employee covered by such retirement plan shall become a member of the public employees retirement system.

FISCAL PROVISIONS

3375.42 Contract for library service; tax levy

The board of county commissioners of any county, the board of education of any school district, the legislative authority of any municipal corporation, or the board of township trustees of any township may contract with the board of library trustees of any public library, or with any private corporation or library association maintaining a free public library prior to September 4, 1947, situated within or without the taxing district, to furnish library service to all the inhabitants of said taxing district, and may levy a tax, or make an appropriation from its general fund, to be expended by such library in providing library service in said taxing district for any of the purposes specified in section 3375.40 of the Revised Code. The taxing authority may require an annual report in writing from such board of library trustees, private corporation, or library association. When a tax for library purposes has been so levied, at each semiannual collection of such tax the county auditor shall certify the amount collected to the proper officer of the taxing district who shall forthwith draw his warrant for such amount on the treasurer of such district payable to the proper officer of such library.

1955 AGO 5670
1962 AGO 2956
1973 AGO 058
1974 AGO 051
See also Appeals Court decision 1952

3375.43 Submission of question; issuance and sale of bonds by subdivision for library purposes

Any public library board of trustees charged with the title, custody, control, and maintenance of a public library in the state may request the taxing authority of the political subdivision to the jurisdiction of which such board is subject to submit to the electors of such subdivision the question of issuing bonds for the purpose of purchasing, erecting, constructing, enlarging, extending, or improving a building for library purposes, including a site therefor, and equipping and furnishing the same. Such request shall be made by resolution, adopted by the board, which resolution shall declare the necessity of the issuance of such bonds and fix the amount and purpose thereof, and shall further recite whether or not notes shall be issued in anticipation of the issuance of such bonds. A copy of such resolution shall be certified by the board to the taxing authority of such subdivision not later

than the fifteenth day of August preceding the November election at which the question of the issuance of such bonds will be submitted to the electors of said subdivision. The submission of the question of the issuance of such bonds to the electors, the issuance, sale, characteristics, and requirements for the interest and retirement levies, and the method and means for payment of said bonds or notes, if notes are to be issued in anticipation of the issuance of such bonds, shall conform to Section 11 of Article XII, Ohio Constitution and sections 133.01 to 133.65, inclusive, of the Revised Code, governing the issuance, sale, characteristics, and levies for, and method and means of payment of, bonds or notes issued by such subdivision pursuant to a vote of the electors. Such bonds or notes shall be sold and issued by the proper officer as is provided by law for the sale and issuance of bonds of such political subdivision to the jurisdiction of which said board is subject. The indebtedness created by such bonds or notes constitutes a part of the indebtedness of such subdivision and is subject to the limitations imposed on the creation of indebtedness by such subdivision. The proceeds of the sale of such bonds shall be transferred by the fiscal officer of such subdivision to the board for the benefit of which the bonds were issued and shall be appropriated to and expended only for the purposes for which issued.

1956 AGO 6814

3375.431 Issuance of bonds for library purposes by board of education

The board of education of a city, exempted village, or local school district, which does not have a board of library trustees established under section 3375.15 of the Revised Code may issue bonds in accordance with sections 133.01 to 133.65, inclusive, of the Revised Code, without regard to section 3375.43 of the Revised Code, for the purpose of purchasing, erecting, constructing, enlarging, improving, equipping, and furnishing library facilities and acquiring real estate and interests in real estate therefor, to be operated by the board of trustees of any free public library, library association, or corporation pursuant to section 3375.18 of the Revised Code.

3375.44 Payment of interest; retirement of bonds; annual levy

After the issue of any notes or bonds under section 3375.43 of the Revised Code, the public library board of trustees on behalf of which said bonds are issued shall certify, on or before the first day of July in each year, to the taxing authority of the political subdivision to the jurisdiction of which such board is subject, a sufficient amount to pay the interest on and to retire at maturity such bonds or notes, and such taxing authority shall annually include in its budget the amount certified and required to pay the interest on and to retire such bonds or notes at maturity, and shall levy the necessary tax therefor.

Such board may appropriate and apply any moneys in its possession and control, which are available and unappropriated for other purposes, to the payment of the principal of and interest on such bonds or notes. Any moneys so to be applied shall be appropriated by resolution of the library board and transferred to the board or officers having charge of the retirement fund for such bonds to be applied to the payment of such bonds and for no other purposes. The interest and retirement charges to be levied in each year shall then be reduced by such amounts of money as are otherwise made available.

3375.45 Control and management of sinking or bond retirement fund

When bonds are issued pursuant to section 3375.43 of the Revised Code, the board or officer of the political subdivision issuing such bonds having charge of the sinking fund or bond retirement fund of such subdivision shall have the control and management of all moneys and securities for the payment of interest on and for the redemption of the principal of such bonds, and shall exercise the same powers of control and management thereof as for the management and control of the sinking or bond retirement fund for all bonds of such subdivision.

BUREAU OF MUNICIPAL RESEARCH

3375.46 Bureau of municipal research and information may be established

Any board of library trustees of a school district may enter into an agreement with any municipal corporation located in such school district for the establishment of a bureau of municipal research and information. The agreement shall provide for the rendering of such services by and under the supervision and control of such board, and upon such terms, as

are agreed upon between such board and municipal corporation.

BOARD OF LIBRARY EXAMINERS

3375.47 Board of library examiners; term of office; duties

The librarians of the two public libraries of largest circulation in the state, the state librarian, and two persons representing rural library work and chosen by the state library board constitute a state board of library examiners. The members chosen by the state library board shall serve for four years. The state board of library examiners shall examine applicants for the position of county district librarian. The members of the state board of library examiners shall receive no compensation but their necessary expenses shall be paid from the appropriation for the state library board on the warrant of that body. Such members may adopt rules and regulations for the government of the state board of library examiners and for carrying out this section. No person who has not received a certificate of qualification from the state board of library examiners shall be employed as librarian in charge of any county library district. The county librarian and his assistants shall be appointed and their salaries fixed by the board of trustees of the county library district, and shall also be allowed necessary traveling expenses incurred on the business of the library within the county, upon approval of the board of trustees of the county library district. In addition, the county librarian shall attend and take part in an annual state convention of county librarians, for which railroad expenses shall be allowed out of the county library district fund.

LAW LIBRARIES

3375.48 Compensation of law librarian and assistants

The judges of the court of common pleas of any county in which there is a law library association which furnishes to all of the members of the Ohio general assembly, the county officers and the judges of the several courts in the county admission to its library and the use of its books free of charge, upon the appointment by the board of trustees of such association of a person to act as librarian thereof, or of a person to act as librarian and not more than two additional persons to act as assistant law librarians thereof, shall fix the compensation of such persons, which shall be paid from the county treasury. In counties where not more than one judge of the court of common pleas holds regular terms of court at the same time, the compensation to be paid such librarian shall not exceed the sum of five hundred dollars per annum.

1941 AGO 3681
1946 AGO 1243
1955 AGO 5308
1964 AGO 1210
1965 AGO 006
1971 AGO 025

3375.49 Board of county commissioners shall provide for law library

For the use of the law library referred to in section 3375.48 of the Revised Code, the board of county commissioners shall provide, at the expense of the county, suitable rooms with sufficient and suitable bookcases, in the county courthouse, or if there are no suitable rooms to be had therein, any other suitable rooms at the county seat, and shall heat and light them. The books and furniture of the law library association used exclusively in such library shall be exempt from taxation.

1955 AGO 4856
1969 AGO 082
1973 AGO 071

3375.50 Allowance to law libraries from fines and penalties of municipal courts

All moneys collected by a municipal corporation accruing from fines and penalties and from forfeited deposits, forfeited bail bonds, and forfeited recognizances taken for appearances, by a municipal court for offenses and misdemeanors brought for prosecution in the name of a municipal corporation under a penal ordinance thereof, where there is in force a state statute under which the offense might be prosecuted, or prosecuted in the name of the state, except a portion of such moneys, which plus all costs collected monthly in such state cases, equal the compensation allowed by the board of county commissioners to the judges of the municipal court presiding in police court, clerk and prosecuting attorney of such court in state cases, shall be retained by the clerk of such municipal court, and be paid by him forthwith, each month, to the board of trustees of the law library association in the county in which such municipal corporation is located. The sum so retained and paid by the clerk of said munici-

pal court to the board of trustees of such law library association shall in no month be less than twenty-five percent of the moneys arising from such fines and penalties and from forfeited deposits, bail bonds, and recognizances taken from appearances, in that month, without deducting the amount of the allowance of the board of county commissioners to said judge, clerk, and prosecuting attorney.

The total amount paid under this section in any one calendar year by the clerks of all municipal courts in any one county to the board of trustees of such law library association shall in no event exceed the following amounts.

(A) In counties having a population of fifty thousand or less, based on the last federal census, seventy-five hundred dollars and the maximum amount paid by any of such courts shall not exceed four thousand dollars in any calendar year.

(B) In counties having a population in excess of fifty thousand but not in excess of one hundred thousand, according to the last federal census, eight thousand dollars and the maximum amount paid by any of such courts shall not exceed five thousand five hundred dollars in any calendar year.

(C) In counties having a population in excess of one hundred thousand but not in excess of one hundred fifty thousand, according to the last federal census, ten thousand dollars and the maximum amount paid by any of such courts shall not exceed seven thousand dollars in any calendar year.

(D) In counties having a population of in excess of one hundred fifty thousand, according to the last federal census, fifteen thousand dollars in any calendar year. The maximum amount to be paid by each such clerk shall be determined by the county auditor in December of the year 1959 and in December of each succeeding year for the next succeeding calendar year, and shall bear the same ratio to the total amount payable under this section from the clerks of all municipal courts in such county as the total fines, costs, and forfeitures received by the corresponding municipal court, bear to the total fines, costs, and forfeitures received by all the municipal courts in the county, as shown for the last complete year of actual receipts, on the latest available budgets of such municipal courts; and payments in the full amounts provided in this section shall be made monthly by each clerk in each calendar year until the maximum amount for such year has been paid. When such amount, so determined by the auditor, has been paid to the board of trustees of such law library association, then no further payments shall be required in that calendar year from the clerk of such court.

3375.51 Moneys collected by county judges paid to law library

In each county fifty per cent of all moneys collected by judges of the county court of such county, accruing from fines, penalties, forfeited recognizances, and forfeited cash deposits, unless otherwise distributed by law, shall be paid to the board of trustees of the law library association of such county by the county treasurer, upon the voucher of the county auditor within thirty days after such moneys have been paid into the county treasury by such judges.

3375.52 Court of common pleas and probate court to pay fines and penalties to law library

In each county of the state, all moneys arising from fines and penalties levied, and from cash deposits, bail bonds, and recognizances taken by the court of common pleas and the probate court of such county, which have been forfeited, on account of offenses and misdemeanors brought for prosecution in such courts in the name of the state, shall be retained and paid monthly by the clerk of such courts to the board of trustees of the law library association. The total sums so paid therefrom shall not exceed twelve hundred fifty dollars per annum, and when that amount has been paid to such board, in accordance with this section, then no further payments shall be required thereunder in that calendar year from the clerks of such respective courts.

3375.53 Fines and penalties for violation of liquor control law and state traffic laws paid to law library

In each county, fifty per cent of all moneys arising from fines and penalties and from forfeited deposits and forfeited bail bonds and recognizances taken for appearances on account of offenses brought for prosecution in any court in such county under Chapters 4301. and 4303. of the Revised Code and the state traffic laws shall be paid monthly by the treasurer of the county or municipal corporation to the board of trustees of the law library association in such county, but the sum so paid to

such board by each treasurer shall not exceed twelve hundred dollars per annum under Chapters 4301. and 4303. of the Revised Code, and when that amount has been so paid to such board in accordance with this section, then no further payments shall be required thereunder in that calendar year from such treasurers.

3375.54 Money used for lawbooks and maintenance of law library

The money paid to the board of trustees of a law library association under sections 3375.50 to 3375.53, inclusive, of the Revised Code, shall be expended in the purchase of lawbooks and in maintenance of such law library association.

1955 AGO 4856
1969 AGO 082
1973 AGO 071

3375.55 Use of the law library

Judges of the county court in the county and officers of the townships and municipal corporations therein shall have the same free use of the books of the law library receiving moneys under sections 3375.50 to 3375.53, inclusive, of the Revised Code, as the judges and county officers.

3375.56 Annual report by board of trustees of law library association; refund of excess

On the first Monday of each year, the board of trustees of the law library association shall make a detailed statement to the county auditor, verified by the oath of the treasurer of the association, of the amount of the fines and penalties received under sections 3375.50 to 3375.53, inclusive, of the Revised Code, and of the money expended by the association.

If the total amount received under such sections during the preceding calendar year covered by such report exceeds the expenditures during the same period, the auditor shall certify such fact to the board which shall thereupon direct the treasurer of the association to refund proportionately to the treasurers of the political subdivisions from which such balance was received, not less than ninety per cent of any unencumbered balance on hand from the preceding year.

OHIOANA LIBRARY ASSOCIATION

3375.61 Financial aid to Martha Kinney Cooper Ohioana Library Association

In recognition of the work the Martha Kinney Cooper Ohioana Library Association, a corporation organized not for profit under the laws of this state, has done and is doing to collect, promote, publicize, and make available to the public the cultural, literary, scientific, social, and economic achievements of Ohioans, the state may grant financial aid to said corporation in order that the purposes for which it was instituted may be fostered and its services to the public improved and expanded.

3375.62 Appointment of trustees; terms of office

The governor shall appoint four members of the board of trustees of the Martha Kinney Cooper Ohioana Library Association. Terms of office shall be for four years, commencing on the sixteenth day of September and ending on the fifteenth day of September, except that upon expiration of the term ending January 8, 1976, the new term which succeeds it shall commence on January 9, 1976 and end on September 15, 1979. Each member shall hold office from the date of his appointment until the end of the term for which he was appointed. A member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of his term until his successor takes office, or until a period of sixty days has elapsed, whichever occurs first. Said appointees shall serve as members of the board of trustees of the Martha Kinney Cooper Ohioana Library Association in addition to the regular constituted board of trustees of the corporation.

3375.63 Eligibility of trustees

No person shall be ineligible for membership on a board of public library trustees because of his employment by a school district or other political subdivision, provided that a majority of the members of each board of public library trustees shall be persons not employed by school districts or other political subdivisions.

1939 AGO 993
1959 AGO 999
1962 AGO 2878
1968 AGO 092

AREA LIBRARY SERVICE ORGANIZATION

3375.70 Area library service organization

Public libraries in two or more counties may form an "area library service organization" in the following manner:

(A) The formation of an area library service organization shall first be approved by the board of trustees of the participating public libraries, as provided in the rules and regulations of the state library board.

(B) An application for the formation of the area library service organization shall be submitted to the state library board in the form prescribed by the state library board, with a plan of service describing the specific purposes for which the organization is formed and the means by which such purposes are to be accomplished. The state library board shall approve or disapprove this application and plan of service in accordance with rules and regulations adopted under section 3375.82 of the Revised Code.

(C) Upon approval of the application by the state library board and the making of a grant or grants for the organization, the area library service organization shall become operable.

An area library service organization shall be governed by a board of trustees consisting of at least seven and no more than fifteen persons, to be selected from among the members of the boards of trustees of the participating public libraries.

The number of trustees, the manner of selection, the term of office and the provision for filling vacancies shall be determined by the governing boards of the participating libraries, and shall be set forth in the application submitted to the state library board. Nothing pertaining to the organization and operation of an area library service organization shall be construed to infringe upon the autonomy of any public library board of trustees.

3375.71 Powers of board of trustees

The board of trustees of each area library service organization may:

(A) Develop plans of service and operation for the area library service organization and submit these to the state library board;

(B) Receive grants, payments, bequests and gifts and have exclusive control of the expenditure of all moneys held in the name of the area library service organization;

(C) Expend for library purposes, and in the exercise of the powers enumerated in this section, all moneys whether received as grants, payments, gifts, bequests, or otherwise, and generally do all things it determines necessary for the establishment, maintenance, and improvement of the area library service organization under its jurisdiction;

(D) Make and publish such bylaws, rules, and regulations as may be necessary for its operation and for the government of the area library service organization;

(E) Purchase or lease vehicles and other personal property for the operation of the area library service organization;

(F) Purchase, erect, lease, or lease with an option to purchase, appropriate buildings or parts of buildings for use of the area library service organization;

(G) Hold title to and have the custody of all property, both real and personal, of the area library service organization;

(H) Appoint and fix the compensation of a director and necessary assistants who shall have the same employment status as employees of public libraries;

(I) Elect and fix compensation of a clerk and a deputy clerk who shall serve for a term of one year;

(J) Enter into contracts with the board of library trustees of any library organized under sections 3375.06, 3375.10, 3375.12, 3375.121, 3375.15, 3375.22, 3375.30, and 1713.28, of the Revised Code, the state library board, the board of county commissioners of any county, the board of education of any school district, the legislative authority of any municipal corporation, boards of township trustees, colleges, universities, or public or private agencies and corporations.

1975 AGO Letter

3375.72 Management of funds

The clerk of the board of trustees of the area library service organization is the treasurer of the organization's funds. Before entering upon their duties, the clerk and the deputy clerk shall execute a bond in an amount and with surety to be approved by the board, and conditioned for the faithful performance of the official duties required of them.

All moneys received by the clerk shall be immediately placed by him in a depository designated by the board. The clerk shall keep an account of the funds credited to the board upon such forms as are prescribed and approved by the bureau of inspection and supervision of public offices.

The clerk shall render a monthly statement to the board showing the revenues and receipts

from whatever sources derived, the disbursements and the purposes for such disbursements, and the assets and liabilities of the board. At the end of each fiscal year the clerk shall submit to the board and to the state library board a complete financial statement showing the receipts and expenditures in detail for the entire fiscal year.

At the expiration of the term of the clerk or before such board approves the surety of any clerk, such board shall require the clerk to produce all moneys, bonds, or other securities in his hands, which then must be counted by the board, or a committee of the board, or by a representative of the bureau of inspection and supervision of public offices. A certificate setting forth the exact amount of such money, bonds, or other securities and signed by the representatives making such count shall be entered upon the records of the board and shall be prima-facie evidence that the amount stated in such certificate is actually in the treasury at that date.

3375.73 Dissolution; withdrawal

If the need for an area library service organization ceases to exist, the board of trustees may, by a two-thirds vote of its members, declare its intention to dissolve the organization and file with the state library board a plan for effecting such dissolution.

The plan shall state the means by which the participating libraries may record their approval or disapproval of such intended dissolution, and shall include a plan for the distribution of the assets of the area library service organization. If the area library service organization received more than fifty per cent of its total budget for the previous three years from grant funds provided by the state library board, the state library board shall make final determination of the distribution of the assets.

A participating library may withdraw from an area library service organization on the first day of July in any year, providing that notice of the withdrawal intention has been given at least eighteen months prior to the date of withdrawal. Whenever a withdrawal occurs or another library joins an area library service organization, an amended plan shall be submitted to the state library board for approval.

ESSENTIAL LIBRARY SERVICES SUPPORT PROGRAM

3375.80 Resource centers

To encourage and make available adequate library reference and research facilities, the state library board may designate certain libraries as resource centers and develop and encourage cooperative steps to link these centers with other libraries in a reference and information network .Such designation shall be made subject to the approval of the governing boards of the libraries. Grants may be made to these libraries and to other libraries which share their resources and facilities on an interlibrary basis.

3375.81 Essential library services support program

A program of grants, to be known as the essential library services support program, is hereby established within the limitation of funds appropriated by the general assembly together with other funds made available by the federal government or other sources for this purpose. They shall include:

(A) Planning grants, to be paid to a public library or area library service organization;

(B) Establishment grants, to be paid to an area library service organization;

(C) Essential services operations grants, to be paid to an area library service organization;

(D) Reference services and interlibrary loan grants to be paid to a public library, university library, or other library participating in a reference and information network or similar program of interlibrary cooperation;

(E) Special program grants, to be paid to a public library, a metropolitan library system organized under standards adopted under section 3375.82 of the Revised Code, or to an area library service organization.

3375.82 Administration of grants

The state library board shall administer all grants and shall provide for the expenditure of all funds appropriated for the essential library services support program. All grants shall be made under rules and regulations adopted by the state library board and under the terms of written agreements between the state library board and the recipient. Such rules and regulations shall be designated to:

(A) Ensure every resident of Ohio access to essential public library services;

(B) Provide adequate library material to satisfy the reference and research needs of the people of this state;

(C) Assure and encourage local initiative

and responsibility and support for library services;

(D) Encourage the formation of viable area library service organizations and library systems providing a full range of library services;

(E) Develop adequate standards for services, resources, and programs that will serve as a source of information and inspiration to persons of all ages, handicapped persons, disadvantaged persons, and will encourage continuing education beyond the years of formal education;

(F) Encourage adequate financing of public libraries from local sources with state aid to be furnished as a supplement to other library financial resources.

TITLES 41-57
GENERAL STATUTES
DIVISION OF WORKSHOPS AND FACTORIES

4107.14 Handrails for stairways

In tenement houses, apartments, manufactories, mills, shops, stores, churches, hotels, halls for public meetings, lecture rooms, restaurants, public library rooms, business offices of professional men and others doing business for or with the public, all public buildings, and other rooms or places of public resort or use, whether for the transaction of business or social enjoyment, the owners, directors, trustees, lessees, managers, controllers, or proprietors thereof shall provide and maintain for all stairs or stairways for ingress or egress, a substantial handrail extending from the top to the bottom thereof, and firmly fastened to the wall or other support or partition at the side of such stairs. The handrail shall be constructed of wood not less than one and one-half inches wide and two and one-half inches thick or of iron not less than one and one-half inches in diameter.

No owner or person in charge, as director, trustee, lessee, manager, or proprietor, of such stairs or stairways shall neglect or refuse to provide and maintain in good repair such handrail. Such owner or person is liable to any person injured because of the want of such handrail and for any injury or damages to a person resulting from a defective handrail.

LIQUOR PERMITS

4303.26 Applications for permits

Applications for regular permits authorized by sections 4303.02 to 4303.23 of the Revised Code, may be filed with the department of liquor control. No permit shall be issued by the department until fifteen days after the application therefor is filed. . . .

If the business specified in an application for any regular permit authorized by sections 4303.02 to 4303.23 of the Revised Code is to be operated within five hundred feet from the boundaries of a parcel of real estate having situated thereon a school, church, library, public playground, or township park, no permit shall be issued by the department until written notice of the filing of the application with the department is served, by certified mail, return receipt requested, or by personal service, upon the authorities in control of the school, church, library, public playground, or township park and an opportunity is provided them for a complete hearing upon the advisability of the issuance of the permit. Upon the written request of any such authorities, the hearing shall be held in the county seat of the county where the applicant's business is to be conducted.

A request for any hearing authorized by this section shall be made no later than thirty days from the time of notification by the department.

4303.292 Refusal to issue, transfer, or renew retail beer or liquor permit

. . . (B) The department of liquor control may refuse to issue or transfer any retail beer or liquor permit if it finds:

(1) That the place for which the permit is sought:

(a) Is so located with respect to the neighborhood that substantial interference with public decency, sobriety, peace or good order would result from the issuance or transfer of the permit and operation thereunder by the applicant.

(b) Is so situated with respect to any school, church, library, public playground, or hospital that the operation of the liquor establishment will substantially and adversely affect or interfere with the normal, orderly conduct of the affairs of those facilities or institutions.

(2) That the number of those permits already existent in the locality is such that the granting of a permit would be detrimental to and substantially interfere with the morals, safety, or welfare of the public, and, in reaching a conclusion in this respect, the department may consider the character of, the population of, the number of similar permits and the num-

ber of all permits existent in the particular neighborhood concerned, and the effect which a new permit may have on the neighborhood, with the purposes of the liquor control law.

TAX LEVY LAW

5705.06 Special levies without vote of the people within ten-mill limitation

The following special levies are hereby authorized without vote of the people:

(A) A levy for any specific permanent improvement which the subdivision is authorized by law to acquire, construct, or improve, or any class of such improvements which could be included in a single bond issue;

(B) A levy for the library purposes of the subdivision, in accordance with the provisions of the Revised Code authorizing levies for such purposes, but only to the extent so authorized; . . .

(G) . . . Each such special levy shall be within the ten-mill limitation and shall be subject to the control of the county budget commission, as provided by sections 5705.01 to 5705.47, inclusive, of the Revised Code.

Except for the special levies authorized in this section any authority granted by the Revised Code to levy a special tax within the ten-mill limitation for a current expense shall be construed as authority to provide for such expense by the general levy for current expenses.

5705.07 Levies in excess of ten-mill limitation

The taxing authority of any subdivision may make tax levies authorized in excess of the ten-mill limitation by a vote of the people under the law applicable thereto, irrespective of all limitations on the tax rate.

5705.19 Resolution relative to tax levy in excess of ten-mill limitation

The taxing authority of any subdivision at any time and in any year, by vote of two-thirds of all the members of said body, may declare by resolution and certify such resolution to the board of elections not less than sixty days before the election upon which it will be voted, that the amount of taxes which may be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of the subdivision, and that it is necessary to levy a tax in excess of such limitation for any of the following purposes:

(A) For current expenses of the subdivision, except that the total levy for current expenses of a detention home district or district organized under section 2151.65 of the Revised Code shall not exceed two mills and that the total levy for current expenses of a combined district organized under sections 2151.34 and 2151.65 of the Revised Code shall not exceed four mills;

(B) For the payment of debt charges on certain described bonds, notes, or certificates of indebtedness of the subdivision issued subsequent to January 1, 1925;

(C) For the debt charges on all bonds, notes, and certificates of indebtedness issued and authorized to be issued prior to January 1, 1925;

(D) For a public library of, or supported by, a municipal corporation, township, school district, or county, under whatever law organized or authorized to be supported;

(E) For a municipal university, not to exceed two mills over the limitation of one mill prescribed in section 3349.13 of the Revised Code;

(F) For the construction or acquisition of any specific permanent improvement or class of improvements which the taxing authority of said subdivision may include in a single bond issue;

(G) For the general construction, reconstruction, resurfacing and repair of roads and bridges in counties or townships;

(H) For recreational purposes, provided the total levy for such purposes authorized by vote of the people shall not exceed five-tenths of a mill;

(I) For the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph or the payment of permanent, part-time, or volunter firemen or fire fighting companies to operate the same;

(J) For the purpose of providing and maintaining motor vehicles, communications, and other equipment, used directly in the operation of a police department, or the payment of salaries of permanent police personnel;

(K) For the maintenance and operation of a county home;

(L) For the maintenance and operation of schools, training centers, workshops, clinics, and residential facilities for mentally retarded persons. Money received from levies enacted or

renewed prior to October 25, 1967, shall be appropriated to the use of the county board of mental retardation established under section 5126.01 of the Revised Code. Revenue from a tax levy passed or renewed after October 25, 1965, shall not be expended until the budget for the operation of schools, training centers, workshops, clinics, and residential facilities for mentally retarded persons for that calendar year has been submitted to and approved by the board of county commissioners. Thereafter, surplus funds from the tax levy not used for operating purposes may be dispensed by the county board of mental retardation after approval by the board of county commissioners for the replacement of necessary equipment, or for acquiring, constructing, or improving schools, training centers, workshops, clinics, and residential facilities for the mentally retarded;

(M) For regional planning;

(N) For a county's share of the cost of maintaining and operating schools, district detention homes, forestry camps, or other facilities, or any combination thereof established under either section 2151.34 or 2151.65 of the Revised Code or both of such sections;

(O) For providing for flood defense, providing and maintaining a flood wall or pumps, and other purposes to prevent floods;

(P) For maintaining and operating sewage disposal plants and facilities;

(Q) For the purpose of purchasing, acquiring, constructing, enlarging, improving, equipping, repairing, maintaining, or operating, or any combination of the foregoing, a county transit system pursuant to sections 306.01 to 306.13 of the Revised Code, or to make any payment to a county transit board pursuant to section 306.06 of the Revised Code;

(R) For such subdivision's share of the cost of acquiring or constructing any schools, forestry camps, detention homes, or other facilities, or any combination thereof under either section 2151.34 or 2151.65 of the Revised Code or both of such sections;

(S) For the prevention, control, and abatement of air pollution;

(T) For maintaining and operating cemeteries;

(U) For providing ambulance service, emergency medical service, or both.

Such resolution shall be confined to a single purpose and except as hereafter provided, and shall specify the amount of increase in rate which it is necessary to levy, the purpose thereof, and the number of years during which such increase shall be in effect, which may or may not include a levy upon the duplicate of the current year. The number of years may be any number not exceeding five, except that when the additional rate is for the payment of debt charges the increased rate shall be for the life of the indebtedness and except when the additional rate is for the purpose of providing current operating revenues for a school district and except when for the purpose of providing current expenses for a detention home district, a district organized under section 2151.65 of the Revised Code, or a combined district organized under sections 2151.34 and 2151.65 of the Revised Code, and when for a county's share of the cost of maintaining and operating schools, district detention homes, forestry camps, or other facilities, or any combination thereof, established under either section 2151.34 or 2151.65 of the Revised Code or under both of such sections, the increased rate shall be for a continuing period of time, and when for the maintenance and operation of schools, training centers, workshops, and residential facilities for mentally retarded persons, the increased rate may be for any number of years not exceeding ten. A levy providing current operating revenues for a school district may be reduced pursuant to section 5705.261, 5705.31, 5705.331, or 5713.11 of the Revised Code.

A resolution of a detention home district, a district organized under section 2151.65 of the Revised Code or a combined district organized under both sections 2151.34 and 2151.65 of the Revised Code, may include both current expenses and other purposes provided that the resolution shall apportion the annual rate of levy between the current expenses and the other purpose or purposes. Such apportionment need not be the same for each year of the levy, but the respective portions of the rate actually levied each year for the current expenses and the other purpose or purposes shall be limited by such apportionment.

Whenever a board of county commissioners, acting either as the taxing authority of its county or as the taxing authority of a sewer district or subdistrict created under Chapter 6117. of the Revised Code by resolution de-

clares it necessary to levy a tax in excess of the ten-mill limitation for the purpose of constructing, improving, or extending sewage disposal plants or sewage systems, such tax may be in effect for any number of years not exceeding twenty, and the proceeds thereof, notwithstanding the general provisions of this section, may be used to pay debt charges on any obligations issued and outstanding on behalf of the subdivision for the purposes enumerated in this paragraph, provided that any such obligations have been specifically described in the resolution.

Such resolution shall go into immediate effect upon its passage, and no publication of the same is necessary, other than that provided for in the notice of election.

1937 AGO 692

5705.191 Approval of excess levy; issuing notes

The taxing authority of any subdivision, other than the board of education of a school district, by a vote of two-thirds of all its members, may declare by resolution that the amount of taxes which may be raised within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the subdivision, and that it is necessary to levy a tax in excess of such limitation for any of the purposes in section 5705.19 of the Revised Code, or to supplement the general fund for the purpose of making appropriations for one or more of the following purposes: relief, welfare, hospitalization, health, and support of general or tuberculosis hospitals, and that the question of such additional tax levy shall be submitted to the electors of the subdivision at a general, primary, or special election to be held at a time therein specified. Such resolution shall not include a levy on the current tax list and duplicate unless such election is to be held at or prior to the first Tuesday after the first Monday in November of the current tax year. Such resolution shall conform to the requirements of section 5705.19 of the Revised Code, excepting that such levy may not be for a longer period than five years unless a longer period is permitted by such section, and such resolution shall specify the date of holding such election, which shall not be earlier than ninety days after the adoption and certification of such resolution nor later than one hundred twenty days thereafter. Said resolution shall go into immediate effect upon its passage and no publication of the same is necessary other than that provided for in the notice of election. A copy of such resolution shall, immediately after its passage, be certified to the board of elections of the proper county or counties in the manner provided by section 5705.25 of the Revised Code, and such section shall govern the arrangements for the submission of such question and other matters with respect to such election, to which said section 5705.25 of the Revised Code refers, excepting that such election shall be held on the date specified in the resolution, provided only one special election for the submission of such question may be held in any one calendar year and may not be held during the thirty days immediately preceding or following a primary or general election. Provided, that a special election may be held upon the same day a primary election is held. Publication of notice of such election shall be made in one or more newspapers of general circulation in the county once a week for four consecutive weeks.

If a majority of the electors voting on the question in an election held on the first Tuesday after the first Monday in November or in even numbered years on the first Tuesday after the first Monday in June or fifty-five per cent of those voting on the question at a special election held on any other day vote in favor thereof, or, when the question is a levy proposed for purposes under division (L) of section 5705.19 of the Revised Code, if a majority of those voting on the question at a special election held on any other day vote in favor thereof, the taxing authority of the subdivision may make the necessary levy within such subdivision at the additional rate or at any lesser rate outside the ten-mill limitation on the tax list and duplicate for the purpose stated in the resolution. Such tax levy shall be included in the next annual tax budget that is certified to the county budget commission.

After the approval of such levy by vote and prior to the time when the first tax collection from such levy can be made, the taxing authority of the subdivision may anticipate a fraction of the proceeds of such levy and issue anticipation notes in an amount not more than fifty per cent of the total estimated proceeds of the levy throughout its life.

Such notes shall be sold as provided in Chapter 133. of the Revised Code. In case such anticipation notes are issued, they shall mature serially and in substantially equal amounts during each year of the life of the levy; and if such notes have been issued, the amount necessary to pay the interest and principal shall be deemed appropriated for such purposes from such levy and appropriations from such levy by the taxing authority shall be limited each year to the balance available in excess of such amount. Such notes may be issued subject to call and redemption prior to maturity at not more than par and accrued interest.

"Taxing authority" and "subdivision" have the meanings assigned to them respectively by section 5705.01 of the Revised Code.

This section is supplemental to and not in derogation of sections 5705.20, 5705.21, and 5705.22 of the Revised Code.

5705.192 Resolution relative to tax levy in excess of ten-mill limitation for school purposes

The board of education of a city, exempted village, or local school district at any time in any year, by vote of two-thirds of all members of said board, may declare by resolution and certify such resolution to the board of elections not less than sixty days before the election upon which it will be voted, that the amount of taxes which may be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of the school district and that it is necessary to levy a tax in excess of such limitation for the purpose of providing for current expenses of the school district.

Such resolution shall also specify the amount of increase in rate which it is necessary to levy, the portion of the increase in rate, if any, proposed to be levied in order to qualify for the distribution of school funds pursuant to the provisions of Chapter 3317. of the Revised Code, and the portion of the increased rate, if any, in excess of the amount necessary to qualify for the distribution of funds pursuant to the provisions of Chapter 3317. of the Revised Code, and whether or not there shall be a levy upon the duplicate of the current year. Such resolution shall not include a levy on the current tax list and duplicate unless such election is to be held at or prior to the first Tuesday after the first Monday in November of the current tax year.

The board of education, in such resolution shall specify that the total increased rate proposed to be levied, shall be for a continuing period of time, notwithstanding the fact that the total millage for current expenses being currently levied by the district is at least the minimum millage rate required by section 3317.01 of the Revised Code. Such levies shall be in effect until such time as the rate may be decreased by an amount equal to or less than the amount of such voted increase, by a majority vote of the electors of the school district approving such decrease pursuant to the provisions of section 5705.261 of the Revised Code, or pursuant to the provisions of section 5705.31, 5705.331, or 5713.11 of the Revised Code; or such portion may be so decreased for a period of not to exceed one year, and from year to year, by a majority vote on the part of the board of education.

Such resolution shall go into immediate effect upon its passage and no publication of the same shall be necessary other than that provided for in the notice of election.

The powers granted to a board of education by this section are supplemental to and not in derogation of the powers otherwise granted to a board of education under Chapter 5705. of the Revised Code.

5705.21 School district special levy; initial issuance of anticipation notes for all levies

At any time the board of education of any school district by a vote of two-thirds of all its members may declare by resolution that the amount of taxes which may be raised within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the school district, that it is necessary to levy a tax in excess of such limitation for school district purposes, and that the question of such additional tax levy shall be submitted to the electors of the school district on the first Tuesday after the first Monday in June or special election on another day to be specified in the resolution. No more than two such special elections shall be held in any one calendar year. Such resolution shall conform to section 5705.19 of the Revised Code, except that such resolution shall specify the date of holding such special or primary election, which shall not be earlier than sixty days after the adoption and certification of such resolution

nor later than one hundred twenty days thereafter. After January 1, 1973, such resolution shall not include a levy on the current tax list and duplicate unless such election is to be held at or prior to the first Tuesday after the first Monday in November of the current tax year. Said resolution shall go into immediate effect upon its passage and no publication of the same shall be necessary other than that provided for in the notice of election. A copy of such resolution shall immediately after its passing be certified to the board of elections of the proper county in the manner provided by section 5705.25 of the Revised Code, and said section shall govern the arrangements for the submission of such question and other matters concerning such election, to which said section refers, except that such election shall be held on the date specified in the resolution, provided that no special election shall be held during the ten days preceding or subsequent to Easter Sunday, Thanksgiving Day, or Christmas Day in any year. Publication of notice of such election shall be made in one or more newspapers of general circulation in the county once a week for four consecutive weeks. If a majority of the electors voting on the question so submitted in an election vote in favor of such levy, the board of education of the school district may forthwith make the necessary levy within such school district at the additional rate, or at any lesser rate in excess of the ten-mill limitation on the tax list, for the purpose stated in the resolution. A levy providing current operating revenues for a school district may be reduced pursuant to the provisions of section 5705.261, 5705.31, 5705.331, or 5713.11 of the Revised Code. Such tax levy shall be included in the next annual tax budget that is certified to the county budget commission. Notwithstanding sections 133.30 and 133.301 of the Revised Code, after the approval of a levy on the current tax list and duplicate to provide an increase in current operating revenues for a school district under this section or section 5705.19 or 5705.192 of the Revised Code, and prior to the time when the first tax collection from such levy can be made, the board of education of the school district may anticipate a fraction of the proceeds of such levy and issue anticipation notes in an amount not exceeding fifty per cent of the total estimated proceeds of the levy to be collected during the first year of the levy.

After the approval of a levy to provide revenues in a school district for any purpose other than current operation and prior to the time when the first tax collection from such levy can be made, the board of education of the school district may anticipate a fraction of the proceeds of such levy and issue anticipation notes in an amount not exceeding fifty per cent of the total estimated proceeds of the levy to be collected in each year over a period of five years after the issuance of such notes.

Such notes shall be sold as provided in sections 133.01 to 133.65 of the Revised Code. If such anticipation notes are issued, they shall mature serially and in substantially equal amounts during each year over a period not to exceed five years; and if such notes are issued, the amount necessary to pay the interest and principal as they mature shall be deemed appropriated for such purposes from such levy, and appropriations from such levy by the board of education of the school district shall be limited each year to the balance available in excess of such amount.

5705.23 Special levy for library purposes; submission to electors

The taxing authority of any county, municipal corporation, school district, or township, having a board of public library trustees, shall, upon the receipt of a resolution adopted by said board requesting the submission of a special levy for the use of said board, submit to the vote of the electors of the subdivision the special levy for library purposes authorized by section 5705.19 of the Revised Code. The proceeds of any library levy in excess of the ten-mill limitation shall be used for purposes of said board in accordance with the law applicable to said board.

When a board of public library trustees of a county library district, appointed under section 3375.22 of the Revised Code, requests the submission of such special levy, the taxing authority shall submit the levy to the voters of the county library district only. For the purposes of this section, and of said board of library trustees only, the words "electors of the subdivision" as used in this section and in sections 5705.19 to 5705.25, inclusive, of the Revised Code, means "electors of the county library district." Any levy approved by the electors of the county library district shall be made within the county library district only.

5705.25 Submission of proposed levy; notice of election; form of ballot; certification

A copy of any resolution adopted as provided in section 5705.19 or 5705.192 of the Revised Code shall be certified by the taxing authority to the board of elections of the proper county not less than sixty days before the general election in any year, and said board shall submit the proposal to the electors of the subdivision at the succeeding November election. Such board shall make the necessary arrangements for the submission of such questions to the electors of such subdivision, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in such subdivision for the election of county officers. Notice of the election shall be published in a newspaper of general circulation in the subdivision once a week for four consecutive weeks prior to the election, stating the purpose, the proposed increase in rate, expressed in dollars and cents for each one hundred dollars of valuation as well as in mills for each one dollar of valuation, the number of years during which such increase will be in effect, and the time and place of the election.

The form of the ballots cast at such election shall be:

"An additional tax for the benefit of (name of subdivision) ..... for the purpose of (purpose stated in the resolution) ..... at a rate not exceeding ..... mills for each one dollar of valuation, which amounts to (rate expressed in dollars and cents) ..... for each one hundred dollars of valuation, for ..... (life of indebtedness or number of years the levy is to run)."

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

If the levy is to be in effect for a continuing period of time, the notice of election and the form of ballot shall so state instead of setting forth a specified number of years for the levy.

If the levy submitted is a proposal to renew, increase, or decrease an existing levy, the form of the ballot specified in this section may be changed by substituting for the words "An additional," at the beginning of the form, the words "A renewal of a," in case of a proposal to renew an existing levy in the same amount, the words "A renewal of ..... mills and an increase of ..... mills to constitute a," in the case of an increase, or the words "A renewal of part of an existing levy, being a reduction of ..... mills, to constitute a" in the case of a decrease in the proposed levy.

The question covered by such resolution shall be submitted as a separate proposition, but may be printed on the same ballot with any other proposition submitted at the same election, other than the election of officers. More than one such question may be submitted at the same election.

A levy voted in excess of the ten-mill limitation under this section shall be certified to the board of tax appeals. In the first year of such levy, it shall be extended on the tax lists after the February settlement next succeeding such election. If such additional tax is to be placed upon the tax list of the current year, as specified in the resolution providing for its submission, the result of the election shall be certified immediately after the canvass by the board of elections to the taxing authority, who shall forthwith make the necessary levy and certify it to the county auditor, who shall extend it on the tax list for collection. After the first year, the tax levy shall be included in the annual tax budget that is certified to the county budget commission.

5705.26 Vote necessary for levies

Except as otherwise provided in section 5705.191 of the Revised Code, if the majority of the electors voting on a levy authorized by sections 5705.19 to 5705.25, inclusive, of the Revised Code vote in favor of such levy at such election, the taxing authority of the subdivision may levy a tax within such subdivision at the additional rate in excess of the ten-mill limitation during the period and for the purpose stated in the resolution, or at any less rate, or for any of said years or purposes; provided that levies for payment of debt charges shall not exceed the amount necessary for such charges on the indebtedness mentioned in the resolution. If such levy is for the payment of charges on debts incurred prior to January 1, 1935, in excess of the ten-mill limitation but within the fifteen-mill limitation, the taxing authority of said subdivision shall levy in excess of the ten-mill limitation such tax if a majority of the electors voting on the levy vote in favor thereof.

5705.261 Levy decrease by community college districts and school districts

The question of decrease of an increased rate of levy approved for a continuing period of time by the voters of a community college district pursuant to section 3354.12 of the Revised Code or by the voters of a school district pursuant to resolution adopted by a board of education under section 3311.21, 5705.19, or 5705.192 of the Revised Code, or a resolution for current operating expenses adopted under section 5705.21 of the Revised Code, may be initiated by the filing of a petition with the board of elections of the proper county not less than sixty days before the general election in any year requesting that an election be held on such question. Such petition shall state the amount of the proposed decrease in the rate of levy and shall be signed by at least ten per cent of the qualified electors residing in such community college district or school district voting at the last general election. Only one such petition may be filed during each five-year period following the election at which the voters approved the increased rate for a continuing period of time.

After determination by it that such petition is valid, the board of elections shall submit the question to the electors of the district at the next succeeding general election. The election shall be conducted, canvassed, and certified in the same manner as regular elections in such subdivision for county offices. Notice of the election shall be published in a newspaper of general circulation in the district once a week for four consecutive weeks prior to the election, stating the purpose, the amount of the proposed decrease in rate and the time and place of the election. The form of the ballot cast at such election shall be prescribed by the secretary of state. The question covered by such petition shall be submitted as a separate proposition but it may be printed on the same ballot with any other propositions submitted at the same election other than the election of officers. If a majority of the qualified electors voting on the question of a decrease at such election approve the proposed decrease in rate, the result of the election shall be certified immediately after the canvass by the board of elections to the board of trustees of the affected community college district or to the board of education of the affected school district, which shall thereupon, after the current year, cease to levy such increased rate or levy such tax at such reduced rate upon the duplicate of the district. If notes have been issued in anticipation of the collection of such levy, the board of trustees or the board of education shall continue to levy and collect under authority of the election authorizing the original levy such amounts as will be sufficient to pay the principal of and interest on such anticipation notes as the same fall due.

5705.27 County budget commission; membership; powers; duties

There is hereby created in each county a county budget commission consisting of the county auditor, the county treasurer, and the prosecuting attorney. Upon petition filed with the board of elections, signed by the number of electors of the county equal in amount to three per cent of the total number of votes cast for governor at the last preceding election therefor, there shall be submitted to the electors of the county at the next general election occurring not sooner than ninety days after the filing of the petition, the question "Shall the county budget commission consist of two additional members to be elected from the county?" Provision shall be made on the ballot for the election from the county at large of two additional members of the county budget commission who shall be electors of the county if a majority of the electors voting on the question shall have voted in the affirmative. In such counties, where the electors have voted in the affirmative, the county budget commission shall consist of such two elected members in addition to the county auditor, the county treasurer and the prosecuting attorney. Such members, who shall not hold any other public office, shall serve for a term of four years. The commission shall meet at the office of the county auditor in each county on the first Monday in August, annually, and shall complete its work on or before the first day of September, annually, unless for good cause the board of tax appeals extends the time for completing the work. A majority of members shall constitute a quorum, provided that no action of the commission shall be valid unless agreed to by a majority of the members of the commission. The auditor shall be the secretary of the commission and shall keep a full and accurate record of all proceedings. The auditor shall appoint such messengers and clerks as the commission deems

necessary, and the budget commissioners shall be allowed their actual and necessary expenses. The elected members of the commission shall also receive twenty dollars for each day in attendance at commission meetings and in discharge of official duties. Any vacancy among such elected members shall be filled by the presiding judge of the court of common pleas. In adjusting the rates of taxation and fixing the amount of taxes to be levied each year, the commissioners shall be governed by the amount of the taxable property shown on the auditor's tax list for the current year; provided that if the auditor's tax list has not been completed, the auditor shall estimate, as nearly as practicable, the amount of the taxable property for such year, and such officers shall be governed by such estimate.

In any county in which two members of the commission are elected, upon petition filed with the board of elections, signed by the number of electors of the county equal in amount to three per cent of the votes cast for governor at the last preceding election therefor, there shall be submitted to the electors of the county at the next general election occurring not sooner than ninety days after the filing of the petition, the question "Shall the elected members be eliminated from the county budget commission?" If the majority of the electors voting thereon shall have voted in the affirmative, the county budget commission shall consist solely of the county auditor, the county treasurer, and the prosecuting attorney.

5705.28 Adoption of tax budget; procedure for participation by public library trustees

On or before the fifteenth day of July in each year, the taxing authority of each subdivision or other taxing unit shall adopt a tax budget for the next succeeding fiscal year. To assist in its preparation, the head of each department, board, commission, and district authority entitled to participate in any appropriation or revenue of a subdivision shall file with the taxing authority, or in the case of a municipal corporation, with its chief executive officer, before the first day of June in each year, an estimate of contemplated revenue and expenditures for the ensuing fiscal year, in such form as is prescribed by the taxing authority of the subdivision or by the bureau of supervision and inspection of public offices. The taxing authority shall include in its budget of expenditures the full amounts requested by district authorities, not to exceed the amount authorized by law, if such authorities may fix the amount of revenue they are to receive from the subdivision. In a municipal corporation in which a special levy for a municipal university has been authorized to be levied in excess of the ten-mill limitation, or is required by the charter of the municipal corporation, the taxing authority shall include an amount not less than the estimated yield of such levy, if such amount is requested by the board of directors of the municipal university.

The board of trustees of any public library, desiring to participate in the proceeds of classified property taxes collected in the county, shall adopt appropriate rules and regulations extending the benefits of the library service of such library to all the inhabitants of the county on equal terms, unless such library service is by law available to all such inhabitants, and shall certify a copy of such rules and regulations to the taxing authority with its estimate of contemplated revenue and expenditures. Where such rules and regulations have been so certified or where the adoption of such rules and regulations is not required, the taxing authority shall include in its budget of receipts such amounts as are specified by such board as contemplated revenue from classified property taxes, and in its budget of expenditures the full amounts requested therefrom by such board. No library association, incorporated or unincorporated, is entitled to participate in the proceeds of classified property taxes or other public funds unless such association was organized and operating prior to January 1, 1968.

1932 AGO 4520
1934 AGO 2516
1935 AGO 4271
1935 AGO 4872
1940 AGO 1747
1943 AGO 5922
1947 AGO 2148
1955 AGO 5670
1955 AGO 5954
1973 AGO 058
See also Supreme Court decisions 1953, 1958, 1970, 1974

5705.32 Budget commission to adjust amounts required; revision of estimate; distribution; hearing

The county budget commission shall adjust

the estimated amounts required from the general property tax for each fund, as shown by such budgets, so as to bring the tax levies required therefor within the limitations specified in sections 5705.01 to 5705.47, inclusive, of the Revised Code, for such levies, but no levy shall be reduced below a minimum fixed by law. The commission shall have authority to revise and adjust the estimate of balances and receipts from all sources for each fund and shall determine the total appropriations that may be made therefrom. The commission may fix the amount of proceeds of classified property taxes, collected within the county, to be distributed to each board of public library trustees which has qualified under section 5705.28 of the Revised Code for participation in the proceeds of such taxes based on the needs of such library for the construction of new library buildings, parts of buildings, improvements, operation, maintenance, or otherwise, and notwithstanding the fact that alternative methods of financing such needs are available, the amount of proceeds of such taxes, collected within the county, to be distributed to each board of township park commissioners, the amount of proceeds of such taxes originating outside the limits of municipal corporations, to be distributed to the county, and the amount of proceeds of taxes originating within each municipal corporation, to be distributed to each municipal corporation and shall separately set forth the amount so fixed and determined in the "official certificate of estimated resources," as provided in section 5705.35 of the Revised Code, and separately certify such amount to the county auditor who shall be guided thereby in the distribution of the undivided classified property tax fund for and during the fiscal year. In determining such amounts, the commission shall be guided by the estimate of the auditor under section 5705.31 of the Revised Code as to the total amount of such undivided classified property taxes to be collected in the county during such fiscal year, and as to the shares thereof distributable to municipal corporations and the county, pursuant to section 5707.05 of the Revised Code.

Before the final determination of the amount to be allotted to each subdivision from any source, the commission shall permit representatives of each subdivision and of each board of public library trustees to appear before it to explain its financial needs.

If any public library receives and expends any funds allocated to it under this section for the construction of new library buildings or parts of buildings, such library shall be free and open to the inhabitants of the county in which it is located.

1955 AGO 5954
1962 AGO 2956
See also Supreme Court decisions 1953, 1958, 1970, 1974

5705.37 Appeal to board of tax appeals

The taxing authority of any subdivision which is dissatisfied with any action of the budget commission may, through its fiscal officer, appeal to the board of tax appeals within thirty days after the receipt by such subdivision of the official certificate or notice of such action of said commission. In like manner, but through its clerk, the board of trustees of any public library of a subdivision whose fiscal officer is a member of the budget commission, or any nonprofit corporation or library association maintaining a free public library which has adopted and certified rules and regulations under section 5705.28 of the Revised Code, may appeal to the board of tax appeals. The board of tax appeals shall forthwith consider the matter presented to the commission, and may modify any action of the commission with reference to the budget, the estimate of revenues and balances, or the fixing of tax rates. The finding of the board of tax appeals shall be substituted for the findings of the commission, and shall be certified to the county auditor and the taxing authority of the subdivision affected, or to such board of public library trustees affected, as the action of such commission under sections 5705.01 to 5705.47, inclusive, of the Revised Code.

This section does not give the board of tax appeals any authority to place any tax levy authorized by law within the ten-mill limitation outside of such limitation, nor to reduce any levy below any minimum fixed by law.

Any board of library trustees which receives funds under section 5707.05 of the Revised Code shall have its records open to public inspection at all reasonable times.

See Supreme Court decisions 1963, 1970

COUNTY TAXES

5707.04 Tax levy on intangible property on classified tax list; rates

Annual taxes are hereby levied on the kinds

of intangible property, enumerated in this section, on the classified tax list in the office of the county auditor and the duplicate thereof in the office of the county treasurer at the following rates:

(A) On investments, five per cent of income yield or of income as provided by section 5711.10 of the Revised Code;

(B) On unproductive investments, two mills on the dollar;

(C) On deposits, two mills on the dollar;

(D) On money, credits, and all other taxable intangibles listed with the auditor, three mills on the dollar.

The object and distribution of the taxes so levied shall be as provided in section 5707.05 of the Revised Code.

5707.05 Distribution of undivided classified property tax fund

At the first settlement of undivided classified property taxes, the county treasurer shall distribute the undivided classified property tax fund in the county treasury as follows:

(A) To the state, one fourth of one per cent thereof, which, when paid into the state treasury in the manner provided by law, shall constitute a fund for the use of the tax commissioner in administering the system of assessment of tangible and intangible personal property and shall not be used or appropriated for any other purpose;

(B) To each board of public library trustees in the county, which has qualified for participation in such fund, fifty per cent of the amount set forth in the annual budget and allowed by the budget commission as a receipt from this source. The amount so distributed, together with the fees of the county auditor and county treasurer, shall be deducted pro rata from the shares of the undivided classified property taxes originating in the municipal corporations in the county, and in the territory outside of the municipal corporations therein, respectively;

(C) To each municipal corporation in the county, one half of such amount, out of the remainder of such undivided taxes originating in such municipal corporation, after making the deductions required by division (A) of this section, as the budget commission has allowed as a receipt from this source; but if the budget commission has allowed to the board of township park commissioners of a township park district, the boundaries of which are coextensive with or contained within the boundaries of any municipal corporation, an amount as a receipt from this source, the amount so allowed shall be deducted from the share of such municipal corporation and distributed to such board of township park commissioners, and the balance only shall be distributed to such municipal corporation;

(D) To the county, one half of such amount, out of the remainder of such undivided taxes originating in such county, outside the limits of municipal corporations therein, as the budget commission has allowed as a receipt from this source; but if the budget commission has allowed to the board of township park commissioners of a township park district, the boundaries of which are not coextensive with or contained within those of any municipal corporation in the county, an amount as a receipt from this source, the amount so allowed shall be deducted from the share of the county and distributed to such board of township park commissioners, and the balance shall be distributed to the county;

(E) The residue in said undivided classified property tax fund, after making the deductions required by divisions (A), (B), (C), and (D) of this section, shall remain in the undivided classified property tax fund and shall be distributed as a part of said fund at the second settlement of undivided classified property taxes, as follows:

(1) To the state, one fourth of one per cent thereof, which, when paid into the state treasury in the manner provided by law, shall constitute a fund for the use of the tax commissioner in administering the system of assessment of tangible and intangible personal property and shall not be used or appropriated for any other purpose;

(2) To each board of public library trustees in the county, which has qualified for participation in such fund, fifty per cent of the amount set forth in the annual budget and allowed by the budget commission as a receipt from this source. The amount so distributed, together with the fees of the auditor and treasurer, shall be deducted pro rata from the shares of the undivided classified property taxes originating in the municipal corporations in the county, and in the territory outside of the municipal corporations therein, respectively;

(3) To each municipal corporation in the county, one half of such amount, out of the remainder of such undivided taxes originating in such municipal corporation, after making the deductions required by division (A) of this section, as the budget commission has allowed as a receipt from this source; but if the budget commission has allowed to the board of township park commissioners of a township park district, the boundaries of which are coextensive with or contained within the boundaries of any municipal corporation, an amount as a receipt from this source, the amount so allowed shall be deducted from the share of such municipal corporation and distributed to such board of township park commissioners, and the balance only shall be distributed to such municipal corporation;

(4) To the county, one half of such amount, out of the remainder of such undivided taxes originating in such county, outside the limits of municipal corporations therein, as the budget commission has allowed as a receipt from this source; but if the budget commission has allowed to the board of township park commissioners of a township park district, the boundaries of which are not coextensive with or contained within those of any municipal corporation in the county, an amount so allowed shall be deducted from the share of the county and distributed to such board of township park commissioners, and the balance only shall be distributed to the county.

All money received into the treasury of a municipal corporation or county shall be credited to the general fund therein. Provided that in a municipal corporation there shall be credited to the funds established under division (D) of section 5705.09 of the Revised Code a portion of the total amount to be credited to funds of the municipal corporation, which portion shall be determined by multiplying the total amount to be credited by the percentage which the funds credited under division (D) of said section in the year 1938 bore to all the funds credited under said section in 1938. Provided that if a municipal corporation is in default with respect to the principal or interest of any outstanding notes or bonds, the taxes distributed under this section shall be credited to the funds established under divisions (A), (B), (C), and (D) of section 5705.09 of the Revised Code, in the same proportion in which the funds derived from the levy for the previous year on the general tax list and duplicate are divided.

The residue of the undivided classified property tax fund shall be distributed to any board of public library trustees, municipal corporation, the county, and any board of township park commissioners in the same manner and proportions as provided for in this section for distribution of the fund.

1940 AGO 1747
1955 AGO 5670
1959 AGO 999
1972 AGO 110
See also Supreme Court decision 1974

BOARD OF TAX APPEALS

5715.36 County to pay assessment expenses and hearing expenses of board of tax appeals

(A) Any expense incurred by the board of tax appeals as to the annual assessment of real property in any taxing district shall be paid out of the treasury of the county in which such district is located upon presentation of the order of the board certifying the amount thereof to the county auditor, who shall thereupon issue his warrant therefor upon the general fund of the county and direct the warrant to the county treasurer, who shall pay the same. All money paid out of the county treasury under authority of this section and section 5703.30 of the Revised Code shall be charged against the proper district, and amounts paid by the county shall be retained by the auditor from funds due such district at the time of making the semiannual distribution of taxes.

(B) An expense incurred by the board of tax appeals as to its hearing of any appeal from a county budget commission with respect to the allocation of the local government fund or classified property tax fund shall be paid out of the treasury of the county involved upon presentation of the order of the board certifying the amount thereof to the county auditor, who shall thereupon issue his warrant therefor upon the general fund of the county and direct the warrant to the county treasurer, who shall pay the same. At the time the local government fund or the classified property tax fund is distributed, all money which had been paid out of the county treasury for such expenses shall be deducted by the county auditor from the fund involved in the appeal. The amount so deducted by the county auditor shall be forthwith returned to the general fund of the county.

TABLE OF REFERENCE TO OTHER GENERAL LAWS AFFECTING LIBRARIES

The following sections of the Ohio Revised Code are not reprinted here but are important to libraries.

TITLE I STATE GOVERNMENT

1.22 Change in judicial construction does not affect prior valid obligations.
1.58 Effect of re-enactment, amendment, or repeal of statute on existing conditions.
3.07 Forfeiture of office for misconduct in office.
3.13 Illegal loans or deposits by public officers may be recovered.
3.22 All officers must take oath of office.
5.20 Portion of election day a holiday.
5.21 Labor day; Columbus day; Veterans' day.
5.30 Saturday afternoon is legal holiday.
7.10 Rates for legal advertising.
7.11 Notices, proclamations, and orders to be published in two newspapers; commercial rate.
7.12 Newspapers qualified for publication of legal notices; office of publication; general circulation.
9.01 Photostat or microfilm recording.
9.10 Definition of facsimile signature.
9.25 Purchase of surplus commodities.
9.26 Gifts or grants of federal property.
9.41 Checkoff of wages of public employees for payment of dues to labor or other organization.
9.80 Payroll deduction plan for charities.
9.81 Procedure for payroll deduction.
9.82 Definitions (state and political subdivision).
109.02 Attorney general — duties.
109.14 Attorney general shall advise prosecuting attorneys.
109.23 Definition of charitable trust; application.
115.06 Auditor of state shall be chief accounting officer.
115.08 Fiscal year of state and political subdivisions; taxes; budgets.
115.09 Quarterly limitation of expenditures.
115.10 Report of claims in favor of the state to auditor of state.
115.11 Monthly statement of officers.
115.12 Daily statement of balances.
115.13 Unused appropriations.
115.14 Annual report.
115.46 Garnishment of state employees.
117.01 Bureau of inspection and supervision of public offices; powers; deputy inspectors and supervisors.
117.02 State examiners.
117.03 Powers of inspection officers; employment of experts.
117.04 Examination of Ohio national guard.
117.05 Uniform system of accounting.
117.06 Public institution or taxing district financial report.
117.08 Refusal to keep accounts.
117.09 Time of examinations.
117.10 Report of examination and actions thereon.
117.11 Jurisdiction of civil actions.
117.12 Advancement of causes.
117.13 Cause of action accrues when report filed.
117.14 Surety may be sued in same action.
117.15 Operating costs; expenses of inspection and auditing.
117.16 State examiners; number to be appointed.
117.17 Deposit of public moneys.
117.18 Financial reports from political subdivisions.
123.01 Powers and duties of department of administrative services. (9) leases and easements for library districts.
125.02 Authority to purchase supplies and

equipment; data processing machine contracts and control.
125.06 Permit to make purchases when impractical to contract through department.
125.69 Printing and distribution of "Opinions of the Attorney General."
127.05 Allowance for out-of-state meetings and duties.
131.11 Security required for county funds deposited by certain public officials; service charge.
131.19 Finding necessary to release treasurer or clerk.
131.20 Appeal from findings.
133. Uniform bond law.
135. Depositories (uniform depository act).
139.02 Subdivisions may issue bonds to participate in federal aid; limitations; submission to electors.
145. Public employees retirement system.
153. Buildings.
163. Appropriation of property.

TITLE III COUNTIES

303. County rural zoning.
303.25 County zoning plan repeal in township; procedure.
303.38 Right of eminent domain.
305.14 Employment of legal counsel; duties.
305.23 Proceedings as to expenditure.
305.24 May authorize auditor to make certain contracts.
305.25 When contracts valid.
307.08 Appropriation of lands.
307.09 Sale and lease of county lands; proceeds.
307.10 Procedure in sale or lease of real estate.
307.22 Bequests for educational purposes.
307.34 Action to establish lines between counties.
307.35 Decree as to taxes collected.
307.53 Procedure for signing bonds when county auditor absent or disabled.
307.54 Registry and redemption of bonds.
307.55 Allowance and payment of claims against county.
307.57 May execute bonds of indemnity.
309. Prosecuting attorney.
319.19 Bills and vouchers shall be filed and recorded.
325.20 County officer may attend convention at county expense.
345. Memorial buildings (tax levy; board of trustees; general provisions).

TITLE V TOWNSHIPS

501. Original surveyed townships.
503. General provisions.
503.19 Manner of making assessment.
505. Trustees.
505.10 Acceptance of property; sale or trade-in of property and equipment.
505.11 Leases of mineral lands in townships.
505.26 Additional powers of trustees; office space.
507. Clerk.
511. Memorial buildings; halls; parks.
511.05 Improvement of building jointly by village and township.
511.06 Submission of question of tax to a vote.
511.08 Petition to build memorial.
511.09 Memorial fund; application of fund; trustees.
511.11 Acquisition of property.
515. Lighting.
519. Township zoning.

TITLE VII MUNICIPAL CORPORATIONS

713.02 Powers and duties of city planning commission; funds from federal agencies; legislative authority may overrule commission.
715.01 General powers of municipal corporations.
715.16 Places of correction; quarters for municipal courts and offices.
715.21 Power to acquire, hold, lease, sell, or donate lands.
721.03 Real estate authorization; advertisement for bids.
721.23 Use of public buildings.
727.30 Duties of clerk, county auditor, county treasurer, and city solicitor.
733.51 Powers and duties of city solicitor.
735.27 Care, supervision, and management of public institutions in villages.
737.34 Examination of public buildings as to safety in case of fire (building inspection).
737.37 Power of legislative authority to regulate.

TITLE XXXIII EDUCATION

3301.07 Powers of state board (of education).

3313.642 Materials for course of instruction; free materials; schedule of fees and charges for loss and damage; enforcement.

3317.02 Calculation of payments to districts.

3335.04 Officers of board of trustees (of The Ohio State University).

3343.03 Officers of board, acceptance of donations (Central State University).

3349.28 Provisions of agreements.

TITLE LVII TAXATION

5701.03 Personal property defined.

5701.05 Deposits defined.

5701.06 Investments defined.

5701.09 Other taxable intangibles; other intangible property defined.

5703.02 Powers and duties of board of tax appeals.

5705. Tax levy law.

REFERENCES TO OPINIONS OF THE ATTORNEY GENERAL OF OHIO RELATING TO LIBRARIES

Many of the opinions listed below are no longer in force, having been modified or voided by changes in law, court decisions, or later opinions of the Attorney General. We have starred (*) those rulings which we believe are void or have been modified. Only a brief indication of the contents of any opinion is given—read the original opinion when quoting. Opinions listed as Informal Opinions or Letters have not been reviewed through the formal review process of the Attorney General and therefore are not official opinions.

1920	AGO No. 1228	Board of education cannot transfer funds from its treasury to library fund.*
1922	AGO No. 3016	Library trustees of village school district, upon transition of village to city, continue to serve until expiration of terms.
	AGO No. 3232	Township trustees may not purchase real estate for library building.
	AGO No. 3847	There can be only one county library district in a county, and other matters.*
1924	AGO No. 2003	Powers of library boards—may pay expenses of travel for purchase of books.
1925	AGO No. 2539	Transfer of library property by municipality to trustees of public library contemplates a consideration—tax levy provided in Section 7639, General Code, is outside limitations of Smith One Per Cent Law.*
	AGO No. 2574	Treasurer of board of trustees of library may not receive compensation for services.*
1927	AGO No. 038	Library trustees under Section 4004, General Code, limited to amount of money they may expend without advertising, competitive bidding, or contract.
	AGO No. 195	Library trustees authorized to issue bonds for building on land not owned in fee simple. (See 1953 AGO No. 2485.)
	AGO No. 590	State Library not abolished by governor's veto of appropriation items or by recommendation of his veto message.
	AGO No. 591	State Library Board—no authority in law to accept popular subscriptions for salaries and expenses of State Library—Director of Highways and Public Works must provide suitable quarters for library.
	AGO No. 593	Janitor of county library building of county library district—not under civil service.
	AGO No. 603	Board of education—unauthorized to appoint one of its own members to board of library trustees.
	AGO No. 728	Board of education—authority to act when joint petition for transfer is filed—mandatory and discretionary duties.
	AGO No. 732	Library Board no authority to distribute books and property of State Library to various state normal schools, universities and Ohio Archaeological and Historical Society for the purpose of management and control.*

AGO No. 766 Ohio State Library—duty of Auditor of State to make inventory of all the properties, supplies, furniture, credits and moneys, and other things belonging to the State of Ohio in the State Library and under the control of the State Librarian and the State Library Board.

AGO No. 1064 Member of board of education who helped appoint library trustees may not serve as librarian for the school district public library.

AGO No. 1193 Contracts for buildings to be used as libraries for library districts must have certificate of fiscal officer.

AGO No. 1326 Taxes collected on the delinquent list after the August settlement may not be drawn upon before January 1.

1928 AGO No. 1960 Library—no authority to pay secretary or treasure for services rendered as such.*

AGO No. 2041 Library association—not entitled to percentage costs collected in state case in municipal court of Toledo.

AGO No. 2697 Vacation may be additionally compensated if employed as school librarian during said vacation period.

AGO No. 3141 School library district—board of education is bond issuing authority—proceedings under uniform bond act.

1929 AGO No. 347 Tax and taxation—levy made under Section 7632, General Code, separate from others authorized by law—procedure in paying for library service rendered to board of education.*

AGO No. 869 Public library trustees issuance of bonds, notes, or mortgage bonds for purchasing land and erecting library buildings unauthorized.*

AGO No. 1107 Offices compatible—court constable and law librarian.

AGO No. 1327 School district may cooperate with other public officials in maintenance of recreational activities—such cooperation may be subject of agreement between them.

1931 AGO No. 3003 Board of education—powerless to direct the policy of a board of library trustees.

AGO No. 3094 State Library Board has sole power to determine and create positions within library service.

AGO No. 3301 School library board of trustees not authorized to adopt regulations giving leaves of absence with pay to employees for purpose of study.*

AGO No. 3810 Cleveland Public Library—authority and duties of budget commissioners discussed—distribution of intangibles tax to such library—Senate Bill No. 323.*

AGO No. 3903 Tax levy—all public libraries under amended Senate Bill No. 323 receive "an amount equivalent to the tax levied for such purposes in year 1930." *

1932 AGO No. 4103 Building and repair fund may not be invested in interest-bearing securities.

AGO No. 4118 Library trustees may borrow one-third of amount estimated from taxes during the year—authorized to issue six months' notes.*

AGO No. 4142 Delinquent taxes assessed for public library—duty of county treasurer to credit to such library when collected.

	AGO No. 4226	Notes issued by trustees of public library under amended Senate Bill No. 323—federal reserve banks may invest in such.
	AGO No. 4422	Library fund—unexpended balance—may be transferred to General Fund where not required for sinking or bond retirement funds.
	AGO No. 4520	Public library—intangible tax—budget commission should certify to taxing authority amount requested for such purposes.
	AGO No. 4860	County commissioners may not contract for more than one library in a county—may not appropriate money for books for school children.*
1933	AGO No. 043	Township part of board of education may not appropriate funds for public library—exception as to library service for school district.*
	AGO No. 832	Library association may contract to render library service to county and municipality—county unauthorized to establish branches in conjunction with such association.*
	AGO No. 1027	Board of education not authorized to sell property upon terms other than cash unless sale made to municipality or board of trustees of school district library.
	AGO No. 1509	County library district can be dissolved only by act of legislature.
	AGO No. 1831	Establishment of rental collection for books and charge of fee for use thereof unauthorized by school district library.*
1934	AGO No. 2516	Extending benefits of library service to inhabitants of counties in which portions of school district lie—participation in distribution of classified property taxes.
	AGO No. 2981	County library district—county auditor fiscal officer of such district—trustees of district not entitled to custody of funds.*
	AGO No. 3162	Public school teachers may be appointed to board of library trustees.
	AGO No. 3196	Classified property tax—no preference granted to public libraries over political subdivision in distribution of same.*
1935	AGO No. 4216	Library of association incorporated not for profit is not public library and may not participate in proceeds of classified property taxes. (See 1935 AGO No. 4271.)*
	AGO No. 4218	Delinquent intangible taxes when collected should be paid into undivided classified property tax fund and distributed in accordance with Section 5639, General Code.
	AGO No. 4271	Library association may share in distribution of proceeds of classified property taxes.
	AGO No. 4530	Distribution of proceeds of classified personal property taxes.*
	AGO No. 4872	Authority of one public library to contract for services with another public library.
1936	AGO No. 5408	Librarian may not be one of library trustees.
1937	AGO No. 689	Public accountant employed by school district library, unauthorized.*
	AGO No. 692	Question of special levy for public school district library—submission to vote of electors—resolution in conformance with Section 5625.16, General Code.

AGO No. 909 Public library trustees—power to issue notes in anticipation of revenue —Uniform Bond Act—not a taxing authority.

AGO No. 1500 Employee of public libraries—retirement with annuities and insurance —governing board may pay up to 50 percent.*

1938 AGO No. 1972 County treasurer—municipal public library—tax levy—village treasurer must establish public library fund—library trustees must direct as to disbursements—where library trustee moves outside limits of corporation—forfeits office.*

AGO No. 2853 Library—where not maintained by public funds—employees do not come within provisions of public employees retirement system.

AGO No. 3527 School district public library—Cleveland—51 questions pertaining to expenditures in re: employee tuition at Western Reserve University, traveling to convention and elsewhere, automobile mileage, insurance, library dues, real estate appraisal and commissions, fees for examination papers, book surveys, public accountants, painting portraits, purchasing pictures and frames, engrossing expense, loudspeakers, platforms, flowers, music, engraving, detectives, uniforms, printing, lost articles, hospital fees, refrigerators, advertising, pamphlets, office rent, overdue book fines, sinking fund commission—trustees liable for unlawful expenditures of public funds—no requirements for bids on supplies and construction.*

1939 AGO No. 993 Incompatible office—village mayor—member board of trustees of school district public library.

AGO No. 1014 Members of board of trustees must be residents of school districts where library established and maintained.

1940 AGO No. 002 Soldiers' and sailors' memorial building—public library not relieved from levy, special assessment.

AGO No. 1747 When undivided classified property tax fund in county at second semiannual settlement insufficient to pay a sum equal to remaining fifty per cent of allocated funds, no statutory authority to alleviate such deficiency; distribution of classified personal property taxes, first half of year—where portion receipts received as payment of second semiannual installment, excess should be distributed as advance distribution of October settlement and charged for second half of year.

AGO No. 3176 Real estate and building partially leased to private enterprise for commercial purpose not entitled to be exempt from taxation.*

1941 AGO No. 3681 1. When considering and passing an annual appropriation measure the county commissioners are required to make provision first for those expenditures made mandatory by statute.
2. When, under authority of Section 3054, General Code, a court of common pleas has fixed the compensation of a law librarian duly appointed by a county law library association it is mandatory that the county commissioners appropriate funds for the payment thereof.
3. The county commissioners may not appropriate from the general fund in excess of the total of the estimated revenue available as certified by the budget commission or, in case of appeal, by the Board of Tax Appeals.

AGO No. 4065 Public employees in other retirement system not required to become members. Public employees retirement system members required to remain members when employed by such library where a retirement system established.

1942 AGO No. 5427 Library required to deposit all funds, in accordance with Uniform Depository Act.

AGO No. 5727 Retirement system contributions made annually by public library are part of current expenses.

1943 AGO No. 5842 State Library Board members may not deputize other persons to attend meetings and act for them.

AGO No. 5922 A county which owns a library which has been acquired by the county under Section 2454, General Code, the services of which are available to all the inhabitants of the county, may, pursuant to the provisions of Section 2456, General Code, levy a tax for the support of such library not in excess of one-half mill on each dollar of taxable property in such county, and may in addition thereto, by virtue of the provisions of Sections 5625-20, 5625-24 and 5639, General Code, receive from the proceeds of the classified taxes collected in such county, such portion thereof as the county budget commission may allow for the support of such library.

1945 AGO No. 437 A publication suitable for supplementary reading by pupils may properly be purchased by board of education.

1946 AGO No. 1243 Section 3054, General Code, limits the compensation of the librarian of a county law library to be paid out of public funds to the amount fixed by the judge or judges of the common pleas court, and the trustees of a law library association do not have authority to provide for additional compensation to such librarian from funds accruing to such association under the provisions of Sections 3056, 3056-1, 3056-2, and 3056-3, General Code.

1947 AGO No. 2148 Board of education authorized to levy tax upon taxable property of district for support of school district library. Board not required to provide by tax amount necessary for full amount certified by library trustees.

AGO No. 2549 Municipal library—funds no longer deposited with treasurer of municipality—clerk must be elected and qualified. Neither auditor of city nor a deputy auditor may be elected clerk.

1948 AGO No. 2719 Association library without authority to initiate and procure organization of county library district.*

AGO No. 4122 Authority to do all things necessary to establish, maintain and improve public library. Trustees may subscribe to membership in literary organization. Trustees may pay expenses of a member or employee of the board to a library meeting or conference. Trustees, municipal library — authority to procure liability insurance. No liability for damages on part of county, township, public school, or county district libraries—trustees without authority to procure insurance.*

1949 AGO No. 699 State Library Board without authority to contract with private circulating library to have private library place copies of popular fiction books in State Library—public to pay daily rental fee.

	AGO No. 1138	Distribution of surplus intangible tax collection to libraries and schools.
	AGO No. 1291	Municipalities may not at present time legally establish free public library—legislature abolished power previously granted municipal corporation to establish library. Municipality may maintain and regulate libraries established under Section 3620, General Code, prior to effective date of H.B. 125. Section 4004, General Code, as amended by H.B. 125 authorizes mayor to appoint trustees only for municipal libraries that were in existence prior to effective date of H.B. 125. County auditor—may not legally make distribution of funds to municipal public library unless library was in existence prior to effective date of H.B. 125.
1950	AGO No. 1970	County district library not a county office—county prosecutor no longer required legal adviser.*
	AGO No. 2077	School district library employees not subject to sick-leave law, but library board may provide sick leave.
	AGO No. 2326	Library funds in custody of municipal treasurer different from municipal funds.*
1951	AGO No. 150	May transfer money into building and repair fund at any time—general operating funds may be used to build a garage for bookmobile.
	AGO No. 930	With repeal of Section 7889, General Code, public library no longer has right to enroll new members in any private annuity or insurance system but such employees are eligible for PERS.
	AGO No. 931	Effect of school consolidations on library service areas. County district area not reduced, others may be by action of State Library Board.
1953	AGO No. 2442	Compensation of judges and clerks of municipal courts taken into account in determination of amounts payable to a county law library association.
	AGO No. 2485	Library board can build on land owned in fee or on perpetual lease but not on land held on temporary lease.
	AGO No. 2994	Library is a "political sub-division" and as such exempt from Motor Vehicle Financial Responsibility Act.
	AGO No. 3052	Public money of library must be deposited according to uniform depository law but money derived from gifts or bequests may, unless restricted by donor, be invested as endowments in such securities as trustees determine.
1954	AGO No. 3643	"Sick leave law" includes state, county, municipality and board of education—no definition of "immediate family"—cumulative sick leave carried over from one of above offices to another.
1955	AGO No. 4856	1. Moneys from court fines and bond forfeitures allocated to a county law library association, may be used only for the purchase of law books and the maintenance of the law library association as provided by Section 3375.54, Revised Code; all other funds derived from private contributions, gifts and dues may be used for any library purpose at the discretion of the board of trustees of such association. 2. The word "maintenance" in Section 3375.54, Revised Code, denotes upkeep and contemplates the use of the fines fund to pay for all services necessary for the maintenance of the law library association, save those required by statute to be furnished by the county.

3. Funds derived from fines may not be used to pay for light fixtures or book shelves in a county law library; such commodities must be furnished by the county and paid for with county funds. 1949 AGO 1312 overruled in part.

1955 AGO No. 5308 The annual salary of a county law librarian must not exceed $500 in counties where there is only one common pleas judge; in counties having more than one judge the amount of compensation such librarian is to receive is to be determined by the common pleas judges of such county. Such compensation should be paid to such librarian directly rather than to the library association concerned.

AGO No. 5669 1. All moneys arising from fines and penalties, and from cash deposits, bail bonds and recognizances taken by the court of common pleas and the probate court of each county, which have been forfeited on account of offenses and misdemeanors brought for prosecution in such courts in the name of the state, must be retained and paid monthly by the clerk of such courts to the board of trustees of the county law library association; provided, however, that under the terms of Section 3375.53, Revised Code, 50 percent of all such moneys accruing to the county treasury from prosecutions under the laws relating to the regulation of the liquor traffic, and the state traffic laws, is to be paid by the county treasurer to said library association, all of such payments to be subject to the limitations as to amount set forth in said statutes.

2. All fines collected for violations of Sections 4731.41 to 4731.45, to be distributed as follows: one-half to the state medical board and one-half to the treasury of the county or municipal corporation in which the offense was committed; and no deduction from any part of such fines shall be made to the county law library under the provisions of Sections 3375.50 to 3375.53, and there is no requirement that the area of service so contracted for by such library association must be submitted to the State Library Board for its approval under Section 3375.05, Revised Code.

3. The State Library Board may distribute funds appropriated by the General Assembly for aid to libraries under its rules and regulations to any library which qualifies as a free public library.

AGO No. 5670 1. A library association established by will or otherwise for the purpose of maintaining a free public library, may contract with a local taxing authority for library service under Section 3375.42, Revised Code, notwithstanding that such taxing district is receiving public library service and there is no requirement that the area of service so contracted for by such library association must be submitted to the State Library Board for its approval under Section 3375.05, Revised Code.

2. A library association established by will or otherwise that maintains a free public library, which has contracted under Section 3375.42, Revised Code, to provide free public library service, which is receiving public aid, and which has extended its service to all the inhabitants of a county on equal terms under Section 5705.28, Revised Code, may share in the distribution of the proceeds of the classified property tax as provided by Section 5707.05 and 5705.32, Revised Code.

3. The State Library Board may distribute funds appropriated by the General Assembly for aid to libraries under its rules and regulations to any library which qualifies as a free public library.

AGO No. 5954 1. A county budget commission has authority to determine that the amounts requested by a board of library trustees and included in the budget of the taxing authority pursuant to Section 5705.28, Revised Code, actually represent the "needs" of the library.

2. A county budget commission has authority to fix the amount of classified property tax to be allocated to libraries based on the "needs" of such libraries; therefore it is not mandatory that the full amount requested be approved.

3. There being no provision for priority of any library which has qualified under Section 5705.28, Revised Code, for allocation of classified property tax, the requests from all libraries must be considered as a group.

4. Public libraries cannot demand that proceeds from classified property tax in excess of their "needs" be allocated to them. Proceeds from classified property tax in excess of their "needs" of libraries are to be allocated in accordance with Section 5705.32, Revised Code. Libraries do, however, have priority in the distribution of classified property tax proceeds.

AGO No. 5975 1. Subject to the provisions of Section 3375.50, Revised Code, relative to payments for the support of the county law library, and except where otherwise specifically directed by statute, all moneys coming into the hands of the clerk of a municipal court from bail bond forfeitures shall be paid pursuant to Section 733.46, Revised Code, to the treasurer of the municipality in which such court is established.

2. Subject to the provisions of Section 3375.50, Revised Code, relative to the support of the county law library, all moneys from bail bond forfeitures coming into the hands of the clerk of a municipal court, arising from prosecutions held in said court under the traffic laws, where the arrests were made by state highway patrolmen, shall be paid as provided by Section 5503.04, Revised Code.

1956 AGO No. 6359 The State Library Board, created by Section 3375.01, Revised Code, by virtue of Amended House Bill No. 212, enacted by the 101st General Assembly effective January 3, 1956, has ceased to be a part of the Department of Education.

AGO No. 6814 Section 3375.43, Revised Code, does not authorize the issuance and sale of bonds for the establishment or construction of a library by a school district which had not prior to September 4, 1947, established a school district to issue bonds for the erection of a library building for a private association even though it renders free library service to the public.

1957 AGO No. 1020 A city board of education may, by resolution, transfer and convey certain real estate no longer needed for school purposes to a county library board of trustees, which renders free public library service to the inhabitants of such city school district, upon such terms as are agreed upon between the two boards, under this section. Such real estate may be conveyed to such county library board of trustees for the nominal consideration of one dollar.

AGO No. 1245 1. Pursuant to Section 3375.15, Revised Code, as amended by the 102nd General Assembly, effective September 17, 1957, a member of a school district public library board of trustees who is also an employee of the board of education which makes appointments to such library board,

ceases to be a member of the board of library trustees on the effective date of the amendment.*

2. The positions of school superintendent, teacher, or other employee of a board of education and membership on a board of public library trustees under whatever subdivision organized are incompatible. 1934 AGO No. 3162 overruled.*

1959 AGO No. 119 Where, pursuant to the provisions of Section 3375.14, Revised Code, a public school library has been established by the board of education of a local school district which has subsequently been transferred to and become a part of another district, such library falls under the dominion and control of the district to which the transfer has been made, and members of the board of library trustees theretofore appointed will continue to hold their offices until the expiration of their respective terms, at which time their successors will be appointed by the board of education of the enlarged district.

AGO No. 999 1. Under the provisions of Sections 3375.15 and 3375.63, Revised Code, as amended by Senate Bill No. 68 of the 103rd General Assembly, effective September 14, 1959, the positions of superintendent of schools, school teacher, and of employees of a board of education, a municipal corporation or of a county, are not incompatible with the office of a member of a library board of trustees.

2. Both the office of the mayor and the office of member of a county budget commission are incompatible with the office of member of a public library board of trustees.

1960 AGO No. 1252 Library may not insure itself against liability but may insure officers and employees driving library vehicle against personal liability.

AGO No. 1504 Libraries may contract with another library for joint purchase of materials and for paying proportionate share of such joint purchases.

AGO No. 1535 Libraries may purchase liability insurance for officers and employees operating their own cars on library business but may not do so when cars are not on library business.

AGO No. 1537 Library board may accept gift of stocks and bonds and continue reinvesting if condition of gift. Money received from sale unless permitted by terms of gift may not be reinvested.

AGO No. 1552 1. Neither the township records commission nor the county records commission has authority to order the destruction of records of a library organized under Section 3375.10, Revised Code.

2. A board of library trustees organized under Section 3375.10, Revised Code, has implied authority to order the destruction of non-permanent records of the library when the records have served their entire useful purpose or are in a state of ruin beyond the possibility of use.

Informal Opinion No. 189

Money to construct building must be on hand or in process of collection before certificate of availability of funds is valid.

1961 AGO No. 2038 County library district employees not subject to sick leave provisions of Section 143.29, Revised Code.

AGO No. 2705 Library may purchase kitchen units if no other convenient eating facilities available.

Letter — Vatro J. Grill, Assistant Attorney General, to Walter Brahm, State Librarian, dated 11/5/59 and 1/11/61—on legal action when patron won't return books.

Letter — Attorney General Mark McElroy to Walter Brahm, State Librarian, dated 9/11/61—State Library has authority to set up professional training program to increase competence of library employees in rural areas (re: Federal aid received by State Library and administered by U. S. Office of Education).

1962 Informal Opinion No. 430

Board of education and library board must have contract for school library service. School to pay as much as ability indicates.

AGO No. 2878 — City auditor may serve as library trustee—ineligible trustee may serve and board actions valid until removed.

AGO No. 2956 — Association libraries may receive tax funds and use for buildings.

AGO No. 3339 — Parking facilities purchased and rented, but land must be available whenever is ready to build.

AGO No. 3464 — Part-time county employees not entitled to vacation or sick leave.

AGO No. 3506 — Municipal court clerk must retain specific fines and pay to law library association the maximum required by law.

1963 Informal Opinion No. 027

Attorney General Saxbe—4/2/63—library training program—board of library trustees may not expend public funds pursuant to the terms of an agreement or contract with a university or private corporation for the sharing of costs of providing training in library science.

Informal Opinion No. 040

When a public board, association, or other organization operating a public library provides school library service to a board of education pursuant to Section 3375.14, Revised Code, it must do so by contract.

Informal Opinion No. 058

Attorney General Saxbe—6/7/63—penalty for destruction or removal of library material.

Informal Opinion No. 078

Attorney General Saxbe—8/1/63—library boards have authority to contract for library service including data processing, book processing, indexing, planning, surveys and bookmobile service (re: Ohio Library Foundation).

1964 Letter — Attorney General Saxbe to Ruth Hess, Acting State Librarian—3/23/64—State Library Board has authority to receive and administer Federal funds (Library Services and Construction Act).

AGO No. 1210 — The maximum compensation of $500 per year fixed by Section 3375.48, Revised Code, for librarians in counties where not more than one judge of the court of common pleas holds regular terms of court at the same time, does not apply to assistant librarians.

AGO No. 1291 A public school library continues in existence under the management and control of the existing board of library trustees upon the consolidation of the school district . . . but successors appointed by board of education of consolidated school district.

AGO No. 1300 When the entire school district in which is located a permanent branch of a school district library, organized pursuant to Section 3375.15, Revised Code, is annexed by a city or village, title to the library vests in the board of education of the city or the school district of which the village is a part. When part of a school district is annexed, title to a permanent branch of a school district library located within that annexed territory will vest in the city board of education or the board of education of which the village is a part only upon approval of the State Board of Education of the inclusion of the annexed territory with the school district library system.

If the State Board of Education does not approve the inclusion, the city may continue to operate as a permanent branch of the school district library system.

When territory is transferred from one school district to another under Section 3311.06, Revised Code, the terms for compensating the relinquishing school district for any property concomitantly transferred are both set forth in that code section.

AGO No. 1411 A county board of education has no authority under Section 3315.06, Revised Code, to purchase or lease automotive equipment for the use of storing and transferring school library films.

1965 Informal Opinion No. 29

1. A school district library, organized pursuant to Section 3375.15, Revised Code, may purchase real estate which is located adjacent to the present library facilities for future expansion purposes and use, and which said board deems necessary for future library use.

2. Intangible tax moneys in the hands of the board of library trustees may be used to make the down payment towards the purchase price of the real property purchased under authority of Section 3375.40, Revised Code, and said board may execute a promissory note and mortgage to the seller, with the balance of the purchase price being payable with interest and in installments.

3. A school district board of library trustees has no authority to borrow money from a bank for the purchase of real property and to secure the board by its promissory note and a mortgage on the property.

4. A board of library trustees may, under Section 3375.40, Revised Code, purchase the real property through a land contract entered into with the seller of said property.

AGO No. 006 The positions of county court judge and county law librarian are incompatible.

AGO No. 119 A free public library established in a school district by the board of education prior to September 4, 1947, shall continue in existence when two or more schools having such libraries consolidate.

There can only be one school district library system, irrespective of the number of individual library units.

When two or more school districts, which have school district libraries and boards of trustees of such libraries, consolidate to form one school

district, the board of education of the successor school district shall appoint a board of trustees for the school district library system. (Sec. 3375.15 R.C.)

1967 Informal Opinion No. 23

1. A board of education, acting pursuant to Section 3375.17, Revised Code, may levy a tax not to exceed 1½ mills, within the 10-mill limitation for the purpose of providing funds for library operations without a vote of the electors.
2. Section 3375.17, Revised Code, has no application to levies proposed to be made in excess of the 10-mill limitation.
3. Levies proposed in excess of the 10-mill limitation for the purpose of providing funds for library operations must be submitted to the electors pursuant to the provisions of Sections 5705.19, 5705.23, and 5705.25, Revised Code.
4. Levies authorized by Section 3375.17, Revised Code, are annual levies, i.e., for one year only.
5. Levies outside the 10-mill limitation, authorized pursuant to Section 5705.19(D) and 5705.23, Revised Code, may be for any number of years, not exceeding five.

AGO No. 100 A county library board of trustees may purchase a site for building by giving notes to a lender and pledges the tax revenues of the board for a 10- to 15-year period only in accordance with a vote of the electorate of such county . . . but, they may purchase a site by entering into a contract providing for immediate possession of the site and the paying of the balance in installments over a 10- to 15-year period. No authorization is needed from either the taxing authority or the electorate.

1968 AGO No. 048 The residue of the undivided classified property tax fund shall be distributed after the second settlement distribution (Sec. 5707.05, R.C.) to any board of public library trustees and the school district of the county; the budget commission is to determine the amount to be distributed, except that any amount allowed to school districts shall be distributed among all the school districts in the county, except the county school district.*

AGO No. 064 Cleveland Public Library may deduct insurance premium payments from the wages or salaries of its employees if the employees voluntarily elect to participate and the plan is one of those enumerated in Section 3917.04, Revised Code.

AGO No. 071 A community improvement corporation organized pursuant to Chapter 1724, Revised Code, does not have authority to acquire and improve real estate which is to be leased, sold, or leased with option to purchase, to the county board of library trustees.

AGO No. 092 There is no statutory provision to prevent an individual from serving simultaneously as a member of the Toledo City Public Library board of trustees and as a member of the board of trustees for The University of Toledo.

1969 AGO No. 006 Section 3313.39, Revised Code, allows a local board of education to acquire land by eminent domain only for public school purposes and acquisition by eminent domain for any other purpose is not authorized.

1969 AGO No. 017 Over a period of years, a county public library district may include an amount in its annual budget in order to build a library building if the county budget commission decides on the facts that it is an "actual need," and not a mere "justifiable expense."

AGO No. 068 Fines paid for violations of a city ordinance to a mayor's court are payable to a law library association under Section 3375.50, Revised Code.

AGO No. 082 A county law library association may expend its funds in order to obtain a computer communication console as a means of access to the system of computerized legal research.

AGO No. 102 Section 731.02, Revised Code, forbids a member of city council from holding the position of a member of the board of trustees of a school district public library.

1970 AGO No. 040 Chief Inspector and Supervisor of Public Offices may not require association library to install system of accounting.

AGO No. 146 The county budget commission may, if the actual need exists, and the library has met the statutory requirements to participate in the same, allocate funds to the Orrville City Public Library to be used for the construction of an addition to the building in which the library is housed but which building is owned by the City of Orrville, provided their occupancy agreement extends for the life expectancy of the structure to be built.

AGO No. 162 Any library board . . . may . . . sell unneeded real property without advertising for bids.

AGO No. 165 A governmental body may hold executive sessions from which the public is excluded provided no final binding action shall be taken.

1971 AGO No. 025 The offices of an assistant prosecuting attorney and secretary treasurer of a county law library association, established pursuant to Section 1713.28, Revised Code, within the same county, are incompatible and may not be held concurrently by the same person.

AGO No. 055 State Library Board employees who have accumulated sick leave as public library board employees may not be credited with sick leave balances so accumulated when employed by the State Library Board.

1972 AGO No. 051 Board of library trustees may sell real estate it owns; no voter approval required.

AGO No. 110 No undivided classified property tax . . . distributed to political subdivision until all . . . needs of public libraries are met; State entitled to 0.25% before distribution; "residue" does not include delinquent collections.

1973 AGO No. 037 Disposition of traveling library books—State Librarian is authorized to make appropriate transfers or disposition of books.

AGO No. 058 A political subdivision may appropriate funds for library services . . . only pursuant to a contract . . . which provides for . . . library services to all inhabitants of the political subdivision.

AGO No. 071 Board of trustees of a county law library association has no authority . . . to purchase or lease videotape equipment . . . .

1974 AGO No. 042 Board of trustees of a county library district may provide library service to inhabitants of other counties only pursuant to Section 3375, Revised Code . . . free use of a library . . .

AGO No. 051 Board of trustees of a public library may not contract . . . to provide free library service to the inhabitants of a political subdivision within a county, when it has already qualified for participation in the proceeds of the classified property tax by providing free library service to all residents of that county. (1973 AGO No. 058 clarified)

Letter Attorney General Brown/William L. Schlosser, Assistant Chief Opinion Section, to Nicholas A. Carrera, Prosecuting Attorney, Greene County, 8/26/74. Under Section 3375.40(G), Revised Code, a board of library trustees clearly has the implied power to advertise an open position.

Letter Attorney General Brown to David D. Dowd, Prosecuting Attorney, Stark County, 11/21/74. Comments on 1973 AGO No. 058 and 1974 AGO No. 051, and advises that a board of library trustees, which already participates in the proceeds of the classified property taxes, may contract with a municipal corporation under Section 3375.42, Revised Code, to receive federal revenue sharing funds in return for undertaking an oral history project for the municipality.

1975 AGO No. 026 1. In the absence of an order to the contrary from the State Library Board pursuant to Section 3375.01(F), Revised Code, the consolidation of adjacent school districts effects a corresponding expansion of the area served by an existing school district public library established pursuant to Section 3375.14, Revised Code.

2. In the absence of approval from the State Library Board, a county library district created pursuant to Section 3375.20, Revised Code, cannot be formed so as to include any part of, or all of, a school district which is partly located outside of the county. Such approval may, however, be granted, pursuant to Section 3375.01(E), Revised Code.

3. A school district which has its own main library cannot be included within a county library district created pursuant to Section 3375.20, Revised Code. If a main library is located within a school district but outside of the county in which the county library district is located, no part of the school district may be included within the county library district.

Letter Attorney General Brown to Joseph F. Shubert, State Librarian, 2/26/75. The board of trustees of an Area Library Service Organization may contract for legal service. Such a board is not a "county board" nor are its trustees "county officers" for the purposes of Section 309.09, Revised Code. While a county prosecutor has no authority per se, he or she may advise the county public library board of trustees concerning its legal relationship to the multicounty organization. The powers and duties listed in Section 3375.71, Revised Code, are numerous and far-reaching, and in many cases require ongoing legal counsel. A contract for legal service is permitted under the authority of Section 3375.71(C), Revised Code.

OHIO SUPREME COURT DECISIONS RELATING TO LIBRARIES

These decisions of the Supreme Court, including some which have been rendered out of date by subsequent changes in the law, are listed here principally to give some indication of the libraries' relationship to the intangible or classified property tax.

1935 Public libraries have priority in the allocation of the county intangibles tax. (State, ex rel. Rice, v. Lutz et al., 129 O.S. 201)

1936 Priority of public libraries in allocation of county intangibles tax reaffirmed. (State, ex rel. City of Cleveland Heights, v. Davis et al., 131 O.S. 380)

1940 Public libraries entitled to no preference in allocation of the county intangibles tax. (Board of Education of Cleveland Heights City School District et al. v. Evatt, Tax Commissioner, et al., 136 O.S. 283)

1941 Public libraries entitled to priority in distribution but not in allotment of county intangibles tax. (Board of Education of Cleveland City School District et al. v. City of Shaker Heights et al., 137 O.S. 597)

1949 Budget commission is without authority to allot county intangibles tax to a county library district whose boundaries are not coextensive with those of the county for the construction of new library buildings. (County of Cuyahoga v. Budget Commission of Cuyahoga County et al., 152 O.S. 351)

1953 The General Assembly has replaced the provision, that allotments to libraries should be made "according to the relative needs of the libraries and other units entitled to share in the distribution of such taxes," by a provision requiring the budget commission to base such allotments upon "the needs of" libraries. What "the needs of" a library are is a question of fact upon which a library has the burden of proof. (County of Montgomery v. Budget Commission of Montgomery County et al., 160 O.S. 263)

1958 Where a board of public library trustees has entered into a contract with a board of education, pursuant to this section, for the furnishing of school library service and is operating under that contract at a loss, such contract should be examined as to its businesslike fairness in determining the needs of the library in the matter of the allocation of funds to such library under Section 5705.32, Revised Code. (Ross County Board of Trustees v. Budget Commission, 168 O.S. 108, 5 O.O. 2d 363, 151 N.E. 2d 360)

1959 Laws exempting property from taxation apply to real property held under a 99-year lease, renewable for two such terms, to the same extent as real property held in fee where a party, which under the law is entitled to have its property exempted from taxation, acquires real property with the intention of devoting it to a use exempting it from taxation. Such property is entitled to be exempt from taxation, as long as it is not devoted to nonexempt or commercial use, even though actual physical use of the building has not yet begun. (Carney, Auditor v. Cleveland City School District Public Library of Cuyahoga County et al., 169 O.S. 65)

1966 A municipality may issue bonds to provide funds to construct and equip a free public library building in the municipality, where the building will be leased to the county public library for operation by that county library as a free public library. (State, ex rel. Buescher v. Linton, 6 O.S. 2d 218)

1970 The determination of need in the allocation of the intangibles tax is a matter for the Board of Tax Appeals and not for the Supreme Court unless such allocation is unreasonable or unlawful. Once "actual needs" are determined, the statutes do not provide for any priority of payment between libraries. The determined need may include a reasonable allocation for capital outlay even though current operating expenses of other libraries remain unsatisfied. (Cleveland Public Library v. Budget Commission, 23 O.S. 2d 27)

1974 Where a school district public library extends its services to residents of a part of a county other than the county in which the permanent facility of the library is located, in such a manner as to meet the requirements of Sec. 5705.28, Revised Code, the board of library trustees is entitled to participate in the distribution of the classified property tax fund of such other county. The Board of Tax Appeals acts reasonably and lawfully in ordering an allocation to be made upon the basis of proportionate benefit received by the residents of the county. The distribution of the county classified property tax fund does not prohibit a county from allocating moneys to the board of trustees of a public library which makes its services available to residents of that county, but whose permanent physical facility is not located therein. (Rodman Public Library Board of Trustees v. Mahoning County Budget Commission, 37 O.S. 2d 39)

OTHER COURT DECISIONS RELATING TO LIBRARIES

Ohio Court of Appeals — Eighth District

1952 While a municipality does not have the power to establish a free public library, it does have the power under this section to construct free public library buildings and under the provisions of Section 3711, General Code (Sec. 721.22, Revised Code) to lease such buildings to a county library district. (State ex rel. Daley v. Parma, 68 O.L.A. 577, 123 N.E. 2d 295 (App))

Ohio Common Pleas Court — Summit County

1951 Under Section 3375.13, Revised Code, the legislature made all the various library boards bodies politic and corporate, and as such capable of suing and being sued, contracting and being contracted with, acquiring, holding, possessing and disposing of real and personal property, and of exercising such other powers and privileges as are conferred upon them by law, thus making them separate and distinct entities or bodies politic and corporate, separate and apart from the municipality, the county, the school board, etc., and not agents of said bodies politic. (Miller v. Akron Public Library, 60 O.L.A. 364 (CP))

Franklin County Court of Appeals

1973 In reversal of a decision of the Board of Tax Appeals, the Court found that it is permissible for the county budget commission to distribute the residue of the undivided classified property tax fund after the second settlement among the municipal corporations and the county as well as the libraries even if municipal corporations and the county receive no allocation under the first or second settlements. However, before there can be an allocation by the budget commission, it is first necessary for that commission to make a new determination of the needs of the libraries (Sec. 5707.05). (Columbus Public Library v. Franklin County Budget Commission, Court of Appeals of Franklin County, Ohio #73AP-121)

STATE LIBRARY BOARD RULES

Rule 1. Amending, Defining and Adjusting Library Boundaries Upon Application of the Library Districts

Adopted by the State Library Board
October 15, 1970, effective January 8, 1971

Table of Sections

1. Purpose
2. Initiation and Content of Application
3. Procedure Where Libraries Agree on New Boundaries
4. Procedure Where Libraries Consent to Board Fixing the New Boundaries

Section 1. Purpose

1.0 This Rule is adopted in accordance with Sections 3375.01(G), (H), and (K), Ohio Revised Code, for the purpose of providing a procedure whereby two or more libraries may voluntarily seek a change or definition of their boundaries.

Section 2. Initiation and Content of Application

2.0 Two or more boards of library trustees may apply to amend, define, and adjust their boundaries by communicating in writing to the State Librarian as Secretary of the State Library Board, their desire that such action be taken. Such communication should contain:

(1) information as to the current boundaries of the library districts making the application;

(2) the reasons why a change is desirable;

(3) the proposed new boundaries which the libraries have agreed to;

(4) if the libraries are unable to agree on new boundaries a statement that the applicants recognize that they will be bound by the determination of the State Library Board; and

(5) any other pertinent information relating to circumstances and other parties that might be affected by a boundary change.

Section 3. Procedure Where Libraries Agree on New Boundaries

3.0 Upon receipt of the communication, or communications, the State Librarian shall within the sixty (60) days following such receipt, review and study the proposal. The State Librarian may request further information from the library board involved and may conduct whatever investigation of the facts as he deems necessary to procure a full explanation of the desirability of a boundary change. The State Librarian, upon completion of his study, shall place the application on the agenda for the next meeting of the State Library Board and shall transmit to the Board his recommendation as to whether the application should be approved.

3.1 If the State Library approves the application, it shall within thirty (30) days certify its action to the agencies and governmental units set forth in Section 3375.01 (H), Ohio Revised Code.

3.2 If the State Library Board is disposed to disapprove the application it shall defer action until its next meeting and the affected libraries shall be invited to appear and be heard at the next meeting of the State Library Board prior to a formal vote.

3.3 If the application is disapproved, the State Library Board shall within thirty (30)

days advise the applicants of the decision and specify the reasons for disapproval.

Section 4. Procedure Where Libraries Consent to Board Fixing the New Boundaries

4.0 If the libraries making the application are unable to agree on new boundaries and recognize that they are bound by the determination of the Board, then the State Librarian and the Board shall proceed in the same manner as in those cases where the libraries have agreed on the boundaries except:

(1) the State Librarian at the conclusion of his study shall transmit to the Board his recommendation as to where the boundary should be established;

(2) prior to the determination of the Board, all affected libraries shall be invited to appear and be heard at a meeting of the Board; and

(3) within thirty (30) days after its determination of the new boundary, the Board shall certify its action to the agencies and governmental units set forth in Section 3375.01 (H), Ohio Revised Code.

Rule 2.
Administration of State Aid, Subsidy and Grant Programs

Adopted by the State Library Board
effective May 31, 1974

Table of Sections

1. Purpose and Effective Date
2. Types of Grants and Sources of Funds
3. Area Library Service Organizations
3.1 Planning Grants for Area Library Service Organizations
3.2 ALSO Plans
3.3 Approval of ALSO Plans
3.4 Establishment Grants
3.5 Essential Services Operations Grants
4. Metropolitan Library Systems (to be adopted)
5. Reference Services and Interlibrary Loan Grants
5.1 Interlibrary Loan
5.2 Reference Services and Reference and Information Network
6. Special Program Grants
6.1 Extension Center Programs
6.2 Regional Library Services for the Blind and the Handicapped
6.3 Other Special Program Grants
7. Administration
8. Amendments

Section 1. Purpose and Effective Date

1.0 This Rule is adopted in accordance with Sections 3375.01 (B), (C), and (K), 3375.70, 3375.82, Ohio Revised Code, to assure the effective and efficient use of monies appropriated for libraries by the Ohio General Assembly and the Federal government. This Rule shall amend the **Rules for Administration of State Aid, Subsidy and Grant Programs** as adopted by the State Library Board on December 19, 1972, and amended February 13, 1973, which Rules superseded the previous **Rules for Administration of State Aid, Subsidy and Grant Programs** adopted by the State Library Board March 10, 1970 and amended on June 9, 1970 and June 8, 1971, which are rescinded as of the effective date of the Rule herein enacted. This Rule shall become effective May 31, 1974.

Section 2. Types of Grants and Sources of Funds

2.0 Section 3375.81, Ohio Revised Code, establishes the following types of grants: Planning, Establishment, Essential Services Operations, and Reference Services and Interlibrary Loan, and Special Program Grants.

2.1 Funds for aid subsidy, or grants to libraries are available from these sources:

(A) Funds appropriated by the General Assembly.

(B) Funds received under the Federal Library Services and Construction Act.

(C) Any other funds which may be made available for this purpose from any other source, public or private.

2.2 Under this Rule, grants are made from the following sources in compliance with State statutes and with Federal statutes and regulations:

(A) Planning Grants: State and/or Federal funds

(B) Establishment Grants: State and/or Federal funds
(C) Essential Services Operations Grants: State funds
(D) Reference and Interlibrary Loan Grants: State and/or Federal funds
(E) Special Program Grants: State and/or Federal funds

Section 3. Area Library Service Organizations

3.1 Planning Grants for Area Library Service Organizations

Planning grants are made by the State Library Board to a public library which has agreed to administer such funds in behalf of the libraries in two or more counties interested in formation of an Area Library Service Organization (ALSO). These grants are made to assist the libraries in preparing plans for the development of library services, ALSO organizations, and use of essential services operations grants.

3.11 Applications for planning grants shall be prepared and submitted in a form determined by the State Library.

3.12 Applications for planning grants shall show evidence of careful definition of objectives, interlibrary discussion and adequate preparation for, and commitment to, the planning project.

3.13 Applications shall include a statement of anticipated expenditures of planning grant funds. The planning grant shall not exceed $5,000.

3.14 Planning grants shall be made according to the statutes and this Rule and the terms of written agreements between the administering public library and the State Library Board. These agreements shall, among other things:

(a) Specify the public library to which payment is to be made, and the purposes for which the grant is to be expended.
(b) Specify the amount, time, and manner of payment.
(c) Specify the times at which progress and financial reports will be due at the State Library, as payment outlined in (b) above is conditioned upon receipt of these reports.

3.2 ALSO Plans

3.21 Establishment and essential services operations grants will be paid only after the State Library Board has approved the ALSO Plan, and it has been demonstrated to the State Library Board that the ALSO Board has been organized in accordance with the statutes and this Rule.

3.22 The Plan must encompass at least two counties and population of either (1) 650,000 people, or (2) not less than 300,000 people, with an annual essential services operations grant of $300,000.

3.23 The ALSO Plan shall be prepared and submitted in a form determined by the State Librarian.

3.24 The ALSO Plan shall show how the proposed ALSO will assure to every resident access to those essential public library services which provide easy access to **materials** needed by every individual, to the **staff resources** necessary to bring about the effective use of these materials, and to **interlibrary connections** so that Ohio's total library and information resources are available to him. The Plan shall list and describe the needs of the area, the objectives of the ALSO (both long-range and immediate) and the methods by which these objectives will be achieved.

3.25 The ALSO Plan must be based upon the following principles, and must clearly state the application of each principle to the proposed ALSO:

(a) The Plan is suitable for the geographic, demographic, educational and economic features of the area. In evaluating and approving Plans the State Library Board will give consideration to the State districts as defined by the Ohio State Department of Economic and Community Development. ALSO Plans which do not observe such district lines

must clearly show why such lines are not followed and why it is not desirable to do so.

(b) The Plan shows the organization to be based on existing strengths.

(c) The Plan provides for the addition of new member libraries, the expansion of boundaries, and the withdrawal of members.

(d) The Plan provides for cooperation with other types of libraries and includes specific plans for coordination of library resources and services.

(e) The Plan assures each member library a voice in the selection and establishment of the qualifications for the position of the chief ALSO staff member who will have authority to appoint staff, prepare budgets, and administer programs for the ALSO. Qualifications for the chief ALSO staff member shall include, as a minimum, a fifth year degree from a library school accredited by the American Library Association.

(f) The Plan assures that member libraries are able to voice opinions in policy-making decisions, including provision for Advisory Councils if appropriate.

(g) The Plan is designed to meet the serious day-to-day library service needs of all citizens within the region. This includes the location of, and access to, materials and services systemwide. Specifics must include:

(1) Materials. The Plan must show how the ALSO plans to attain systemwide at least 100,000 individual adult nonfiction titles (exclusive of periodicals and documents) in a comprehensive collection of retrospective as well as current materials. At least 4,000 new adult nonfiction titles should be added annually. The Plan will show how the ALSO will provide other materials on a scale suggested by the American Library Association for public library systems, or the Ohio Library Association standards.

(2) Access. The Plan will show how it proposes to provide readers with access to major library outlets. Such outlets, with professional staff, should be within one hour driving distance of any point in the area. All citizens of the area are to be given free access to services and materials.

(3) Special Staff. The Plan must show provision on a systemwide basis for the services of professional specialists which shall include, but not be limited to:

Library Administration
Children's Services
Adult Services
Reference Services
Extension Services
Community and Public Information Service
Audio-visual Services

These specialists may be staff members of participating libraries.

(4) Special Services. The Plan must show a program for coordination of services and effective utilization of staff resources and materials within the area including provision of library services needed by the handicapped and disadvantaged.

(5) Special Problems. The ALSO must deal with special problems in the area. The Plan may include provision for allocation of direct grants to participating libraries where this is one of the appropriate means of achiev-

ing a designated level of service. The total allocated for direct grants to libraries may not exceed 10% of the essential services operations grants in any one year. Such grants may not be applied directly or indirectly to construction or to building funds.

(h) The Plan should make specific provision for staff development and in-service training to raise the level of library services and develop a scale of career opportunities for personnel not having a graduate degree in the library field.

(i) The Plan should provide for a coordinated and on-going public information program to make people aware of the services provided by the member libraries and encourage the use of these services.

(j) The Plan should include provision for identifying and providing access to specialized materials and services not available within the ALSO.

(k) The Plan should include a timetable for reaching specific levels of service throughout the area.

(l) The Plan should outline the methods for continual evaluation. Evaluation should be related to the stated objectives of the ALSO, scope and extent of the services, and progress in adopting new developments and techniques to improve direct service. A report of such evaluation should be submitted semi-annually to the ALSO membership and the State Library Board.

(m) The Plan should include provision for regular reporting to the ALSO membership and submission to the State Library of a copy of the monthly fiscal reports prepared; quarterly narrative reports, and an annual fiscal and narrative report.

3.26 Budget. The ALSO Plan shall include detailed budget information in the following parts:

(a) First year's budget for use of the essential services operations grant, in three parts:
  (1) Program budget
  (2) Aggregate line budget
  (3) Categorical budget

(b) Budget and application for establishment grant, with justification.

(c) Five year budget projection related to achievement of long range goals in the ALSO Plan.

In each case the fiscal year of the ALSO shall be the calendar year.

3.27 Revision of Plan.

The ALSO shall submit to the State Library Board by October 1 its budget and annual program statement for the forthcoming fiscal year, and any proposed revisions to the ALSO five-year plan. Such budgets, annual program statements, and proposed revisions shall be prepared and submitted in a form determined by the State Librarian.

3.3 Approval of ALSO Plans.

3.31 The State Library Board will appoint an advisory committee of seven members which shall evaluate ALSO Plans and submit its recommendations and comments for consideration by the State Library Board.

The term of office for the members of this committee shall be five years, except at the first appointment three members shall be appointed for terms of one, two, and three years respectively; two members shall be appointed for terms of four years; and two members shall be appointed for terms of five years.

3.32 The comments and recommendations of the advisory committee shall be submitted to the State Library Board which will approve or disapprove ALSO Plans and revisions of such Plans.

3.33 In order to provide an appeal channel in the event a Plan has been dis-

approved, applicants may request a hearing before the State Library Board for review of the Plan. Such a request must be filed with the State Librarian within 30 days of State Library Board action.

3.34 If funds available for grants under Section 3.5 of this Rule are insufficient to finance all the ALSOs which are eligible for approval, the State Library Board shall take into consideration the advice of the advisory committee and:

(a) may reduce the grants proportionately, but in no case shall the grants be less than 75% of full funding;

(b) may, in approving ALSO Plans, establish priority upon the basis of the soundness of planning, number of people to be served, and size of the service area; and

in the absence of funds adequate to fund one ALSO under Section 3.5 of this Rule

(c) may allocate such funds as may be available.

3.35 In carrying out its responsibilities under Section 3375 and in approving ALSO Plans, the State Library Board shall keep in mind the over-all and long-range needs for assuring essential library services. County lines shall be observed in determining the organization of an ALSO. If there is more than one library in a county, and if, after open discussion, the libraries cannot agree among themselves upon the ALSO in which they will participate, the State Library Board, upon request by one of the libraries involved, shall determine the ALSO in which that county will be a participant.

3.4 Establishment Grants

Establishment grants are made to an Area Library Service Organization. These grants supplement the essential services operations grant during the initial stages of establishing the ALSO. The grant is requested in conjunction with submission of the ALSO plan to the State Library Board.

3.41 Applications for establishment grants shall be prepared and submitted in a form determined by the State Librarian.

3.42 Funds may be used for purchasing initial collections of books, films, and other equipment and material necessary to the accomplishment of the ALSO plan. The money may not be expended for construction or continuing operating costs.

3.43 Establishment grants will not exceed $75,000 or an amount equal to 15% of the first year's essential services operations grant (whichever is greater) and must be expended in the initial two years after the ALSO is established.

3.44 Establishment grants shall be made according to the statutes and this Rule and terms of written agreements between the ALSO Board and the State Library Board. These agreements shall, among other things:

(a) Specify the ALSO Board to which payment is to be made, and the purposes for which the grants are to be expended.

(B) Specify the amount, time, and manner of payment.

(c) Specify the times at which progress and financial reports will be due at the State Library, as payment outlined in (b) above is conditioned upon receipt of these reports.

3.5 Essential Services Operations Grants

Essential services operations grants will be made for the support of Area Library Service Organizations that have been formed to assure essential library services to all the residents of the counties participating in the ALSO.

3.51 Formula.

3.511 Grants will be computed using data for each county sponsoring an ALSO under the following formula:

$$X = 15{,}000 + PA\ [.20(B\text{-}C)^{*} + .10]$$

* Where B-C yields a negative result, use zero.

Where:

X — The annual State grant to support essential services.

P — The population of the county, as established by the U. S. Bureau of the Census.

A — The percentage of local situs intangibles tax allocated to public library support. In computing this percentage, funds allocated for township parks shall not be deducted.

B — The local situs intangibles tax collection statewide per capita (to be determined using population established by the U.S. Bureau of the Census) multiplied by 1.2.

C — The local situs intangibles tax collection per capita in the county (to be determined using population established by the U. S. Bureau of the Census).

Factors A, B, and C shall be based on statistical data of the most recent calendar year for which such statistics have been collected and published by The State Library.

3.512 If one or more libraries in the county elect not to participate in the ALSO, this sum is reduced by a per cent equal to one-half the percentage of local situs intangibles tax apportioned to the non-participating libraries.

3.513 Where the percentage of local situs intangibles tax (Factor "A") is 10 or more percentage points below the statewide percentage of local situs intangibles tax allocated to library support, no grant shall be made in behalf of that county; except, that at the time an ALSO is organized, a participating county which is rendered ineligible by this subsection shall not be penalized by this subsection for a period of three years.

3.514 In order to continue to be eligible for formula earnings a county must not reduce its dollar allocation of intangibles for normal operating expenses of the libraries, when such funds are available.

3.52 Payments

3.521 Agreements. Essential services operations grants shall be made according to the statutes and this Rule and the terms of written agreements between the ALSO Board and the State Library Board. These agreements shall, among other things:

(a) specify the ALSO Board to which payment is to be made, the purposes for which the grants are to be expended;

(b) specify the amount, time, and manner of payment;

(c) specify that payment is to be conditioned upon receipt by the Board of progress reports from the ALSO;

(d) specify that the grant can be expended only in augmentation, and not in lieu of, local appropriations.

3.522 Payments in subsequent years shall be contingent upon the Librarian's confirmation to the State Library Board that the ALSO Board has submitted all reports as required, has submitted its annual program statement, and is functioning in accordance with the ALSO Plan.

3.523 Reports before payments. The State Library Board may require the ALSO as a condition

to receiving any future payments, to supply such additional information as it shall deem necessary.

Section 4. Metropolitan Library Systems
(This section to be adopted)

Section 5. Reference Services and Interlibrary Loan Grants

5.0 Reference Services and Interlibrary Loan grants may be paid to a public library, university library, or other library participating in a reference and information network or similar program of interlibrary cooperation.

5.1 Interlibrary Loan. Those libraries participating in the Ohio Union Catalog or in the interlibrary loan network maintained by the State Library which lend books in excess of the number they borrow on interlibrary loan are entitled to reimbursement by state aid.

(a) The State Library will pay to the lending library $3.00 for each book loaned in excess of the number borrowed.

(b) This reimbursement will be paid only to Ohio public libraries for books loaned outside the county to another Ohio public library, and to other libraries designated by the State Library Board as resource libraries.

(c) To be eligible for reimbursement, the lending library may not assess the borrowing library or its patron any costs involved in the interlibrary loan transaction except for fines for overdue books, or for damaged or unreturned materials.

(d) Where a contract between a lending library and a multicounty group provides for interlibrary loan service, the State Library will not reimburse that lending library for loans made to those libraries covered by such contract.

(e) Records of interlibrary loan transactions shall be maintained on a calendar year basis, and payment shall be made in the ensuing calendar year. At the end of June and December any public library wishing to request payment for such loans shall send to the State Library information on the number of books borrowed and loaned during the previous six months. This report shall be made in such manner and form as the State Library shall determine.

5.2 Reference Services and Reference and Information Network
(This section to be adopted)

Section 6. Special Program Grants

6.0 Special program grants are made by the State Library Board to carry out the several purposes of the statutes and the federal library development programs for which the State Library Board is responsible.

6.1 Extension Center Programs

6.11 A portion of the state aid funds shall be used for payments to county extension center libraries in those counties which do not qualify under Section 3 of this Rule under a maintenance program to encourage the extension of library service to rural people. An extension center library is a county district library or a library which, with the approval of the State Library Board, has assumed responsibility for extending library service by means of branches, library stations or bookmobile service to all territory in the county not within the territorial boundaries of other established libraries within the county.

6.12 Eligibility for grants to extension center libraries shall be based upon the per capita intangibles tax income of libraries in the county in which the library is situated; and upon the percentage of such collection allocated for library purposes in the county; and

upon the percentage of the county extension center library's total expenditure derived from payments under Rule 6.1.

(a) The eligible libraries will be grouped into the following categories:

Category 1 — Counties in which: (a) the intangibles tax per capita income is less than one-half of the statewide per capita income of the previous year; (b) the percentage of distribution of intangibles tax collections to libraries is above the state average; and (c) the average annual state aid for the preceding three years is equal to or greater than 10 per cent of the library's average total operating budget for the same period.

Libraries in Category 1 shall be eligible for a basic allowance of $6,000

Category 2 — Counties in which: (a) the intangibles tax per capita income is less than one-half of the statewide per capita income of the previous year; (b) the percentage of distribution of intangibles tax collections to libraries is above the state average; and (c) the average annual state aid for the preceding three years is equal to or greater than 5 per cent but less than 10 per cent of the library's average total operating budget for the same period.

Libraries in Category 2 shall be eligible for a basic allowance of $3,000

(b) In order to receive the full "basic allowance," all intangibles taxes available after the deduction of state and local collection fees and charges must be allocated to the public library(s) in the county.

Should the amount of intangibles tax allocated to libraries be less than the total available after the deduction of state and collection fees and charges, the state grant to the extension center library shall be the same percent of the "basic allowance" which the amount allocated to libraries bears to the total local situs intangibles tax collection of that county in the preceding year.

Payments under this Rule are made quarterly in the fiscal year of the state, July 1-June 30, based upon statistics for the calendar year which precedes July 1 of the state's fiscal year.

(c) Interim Provision. Libraries participating in an intercounty bookmobile service program administered by the State Library and which do not qualify under Categories 1 or 2 are eligible for maintenance grants until December 31, 1974. Libraries qualifying under this provision will be granted an amount equal to that which was paid to them under the state aid formula in effect July 1, 1972, or the billing amount of the contract which was in force July 1, 1972, whichever is lower.

6.13 To maintain its extension center designation, a library must give evidence to the State Library Board of satisfactory and sufficient service being rendered. Evidence shall be provided in such form as may be deemed necessary by the State Library Board.

6.14 Extension center libraries shall, when choosing new head librarians or new heads of county extension departments, choose trained librarians (graduates of library schools recognized by the State Library, or a librarian certified by the State Board of Library Examiners pursuant to Section 3375.47, Revised Code) or forfeit their extension center rating. Extension center libraries unable to meet the above conditions shall arrange for such help from graduate librarians, or a librarian certified by the State Board of Library Examiners, as may be deemed necessary by the State Library to insure effective service. Those failing to comply with this rule shall be considered as having forfeited their extension center rating.

6.15 An extension center library which does not meet personnel qualifications as given in 6.14 above, or which is not providing satisfactory service as required in 6.13 above, shall become ineligible to participate in state funds as an extension center library.

6.2 Regional Library Services for the Blind and Handicapped

The State Library shall pay a grant of $25,000 each to the Cincinnati and Cleveland public libraries as subsidy for the basic maintenance of facilities which provide regional extension service to approved blind and handicapped readers throughout Ohio.

6.21 In addition to the basic grant, the regional libraries in Cleveland and Cincinnati shall be eligible to receive $18.00 for each approved blind, visually handicapped, and physically handicapped reader residing outside the respective counties in which the regional libraries are located; such payments to be paid from funds appropriated to the State Library.

6.22 In no case will either library receive from the combination of these grants an amount in excess of that actually spent in the year for which payment is made.

6.23 Records of regional extension service to blind and handicapped readers shall be maintained on a calendar year basis, and payments shall be made in the ensuing calendar year. Each library shall certify the number of blind, visually and physically handicapped readers served in the calendar year and the costs of all such service. This report shall be made in such manner and form as the State Librarian shall determine.

6.3 Other Special Program Grants

6.31 Grants may be made for the improvement of library services according to purposes, policies, and priorities in the State Plan for administration of the federal Library Services and Construction Act as adopted by the State Library Board, certified by the Ohio Attorney General and approved by the U. S. Commissioner of Education. These grants from federal Library Services and Construction Act funds include those for :

(a) improvement of public library services;

(b) construction of public library facilities;

(c) interlibrary cooperation;

(d) improvement of library services in state institutions;

(e) improvement of library services to physically handicapped persons.

6.32 Grants may be made from state funds.

(This section to be adopted)

Section 7. Administration

7.0 Each public library receiving state aid or grants shall certify to the State Library Board that it is complying with all the library laws of the State of Ohio.

7.1 Proposals and applications for grants shall be prepared and submitted in a form determined by the State Librarian.

7.2 Recipients of grants will keep adequate records of expenditures and fiscal control, and provide all reports and supporting documents which the State Library or the state and federal auditors might require in such form as they may require.

Section 8. Amendments

8.0 This Rule may be amended by the State Library Board acting in accordance with Chapter 119 of the Ohio Revised Code.

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